

Public Notice

Education

State Board of Education

Notice of Action of Petition for Rulemaking

Student Transportation

Safety

District Board of Education Safety Policies

N.J.A.C. 6A:27-11.1

Petitioner: Jamie Epstein, Esq.

Take notice that on July 26, 2023, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board amend N.J.A.C. 6A:27-11.1(c) to add a requirement that bus contractors must provide district boards of education with a live video feed of the interior of their buses while transporting students.

N.J.A.C. 6A:27-11.1(c) requires district boards of education to develop a policy to ensure that the school administration conducts ongoing random checks of school bus transportation operations. The subsection requires the checks to include, but not be limited to, the following:

- Verifying that drivers possess a valid commercial driver's license (CDL) with proper endorsements to operate the type(s) and class(es) of vehicle(s) used to transport students as set forth at N.J.A.C. 6A:27-12.1(d);
- Verifying that the vehicle(s) being used to transport students has a valid registration, insurance, and inspection sticker as set forth at N.J.A.C. 6A:27-1.6 and 7.1; and
- Conducting a pre-trip inspection of buses.

The petitioner sought to amend N.J.A.C. 6A:27-11.1(c) to add the following as a fourth requirement: “‘FAJR's LAW,’ Bus contractors shall provide a live video monitor feed to the District Boards of Education of the interior of their buses while transporting students.”

A notice acknowledging receipt of the petition was published in the September 5, 2023, New Jersey Register at 55 N.J.R. 1963(a). A notice of action stating additional time was needed to deliberate about it to determine the possible fiscal and operational impacts on school bus contractors and school districts was published in the New Jersey Register on November 6, 2023, at 55 N.J.R. 2278(a).

The Department maintains that the requested rules to provide a live video feed from the interior of a contracted bus anytime students are being transported would present unreasonable administrative and logistical burdens on school districts.

The requested rules do not establish requirements regarding how school district personnel would monitor the live feeds and likely would lead to confusion and inconsistent implementation among school districts. Existing N.J.A.C. 6A:27-11.1(c) sets forth requirements for “ongoing random checks” of school bus transportation operations, but monitoring live feeds on school buses likely could necessitate more than random checks to properly ensure student safety. Furthermore, multiple bus routes simultaneously transport students between home and school, so the requested new rules could require school districts to hire a significant number of staff members dedicated to monitoring all bus routes before and after school, as well as during field trips and other school-related activities, for monitoring to be effective.

The requested rules also are silent on whether, in the event of an emergency on a school bus, an employee observing the situation through a live video feed would be able to intervene directly, alert the bus driver or aide of the situation, or direct first responders to the location of the school bus.

Furthermore, the requested rules would apply to only buses operated by school bus contractors and not to buses owned and operated by a school district, even though the latter provides transportation for a significant share of students.

The petitioner’s requested rules also would implicate Federal, State, and local laws that govern student privacy, including, but not limited to, the Federal Family Educational Rights and Privacy Act (FERPA) student records requirements, the Individuals with Disabilities Education

Act (IDEA) privacy requirements, and the student records rules at N.J.A.C. 6A:32-7. Because the proposed video live stream poses privacy and legal questions that may be individual to a school district's programs and students, it should not be imposed Statewide.

For all of the above-mentioned reasons, after due consideration pursuant to law, the petitioner's request is hereby denied.