

**Notice of Adoption Regarding Proposed Amendments and New Rules at N.J.A.C. 6A:27,  
Student Transportation**

The following is the accessible version of the notice of adoption regarding proposed amendments and new rules at N.J.A.C. 6A:27. The notice of adoption includes two sections – [comments and responses](#) and the [text of changes at adoption](#).

## **Education**

### **State Board of Education**

#### **Student Transportation**

**Adopted Amendments: N.J.A.C. 6A:27-2.1 and 7.6**

**Adopted New Rules: N.J.A.C. 6A:27-14**

Proposed: June 16, 2025, at 57 N.J.R. 1190(a).

Adopted: November 5, 2025, by the New Jersey State Board of Education, Kevin Dehmer, Commissioner, Department of Education, and Secretary, State Board of Education.

Filed: November 6, 2025, as R.2025 d.149, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:4-15 and 18A:39-1; and P.L. 2023, c. 326 and P.L. 2024, c. 81.

Effective Date: December 1, 2025.

Expiration Date: December 22, 2028.

#### **Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Michael A. Vrancik, Legislative Advocate, New Jersey Association of School Business Officials
2. Jean Public
3. John J. Burnes, Esq., Senior Legislative Counsel, New Jersey School Boards Association
4. Richard Skibitski, Director of Student Transportation, Wayne Township Public Schools
5. Dr. Diane S. Fox, Assistant Superintendent/Business Administrator, Middle Township Public Schools

6. Sue Young, Executive Director, New Jersey Association of School Business Officials
7. Dan Baginski, Business Administrator, Jackson Township School District
8. Thomas Lauton, Legislative Chair, School Transportation Supervisors of New Jersey
9. Melissa Tomlinson

1. Comment: The commenter agreed that district boards of education should have the option to transport students to and from school activities in private vehicles and to transport small groups of students to and from curricular events without the use of specially licensed vehicles and without the driver possessing a bus driver's license. (3)

Response: The Department thanks the commenter for their support.

2. Comment: The commenter stated that P.L. 2024, c. 81, aims to address the shortage of bus drivers, has the potential to reduce costs for school districts, and does not compromise the safety and training requirements for drivers with a Commercial Driver's License (CDL). The commenter expressed support for the Department's prompt action in proposing amendments at N.J.A.C. 6A:27-7.6 to align the section with P.L. 2024, c. 81. (6)

Response: The Department thanks the commenter for their support.

3. Comment: The commenter opposed the proposed amendments at N.J.A.C. 6A:27-2.1 because they will increase costs to taxpayers and lead to more vehicles on the road, which the commenter contended could lead to accidents. The commenter also indicated that school employees' personal automobiles might not have proper insurance. The commenter further indicated that school employees may not be familiar with all areas of a town and it is safer to keep students together on a school bus. The commenter also expressed concern that parents could use the option to become a personal taxi service. (2)

Response: The amendments at N.J.A.C. 6A:27-2.1 do not include rules related to the

transportation of students. To the extent the commenter is concerned about the amendments at N.J.A.C. 6A:27-7.6 relating to the transportation of students in private vehicles by designated drivers, the Department disagrees. The Department maintains that this will reduce the number of vehicles on the road — rather than increase them — because the designated drivers will be transporting students from multiple families instead of each family transporting one student. As set forth at N.J.A.C. 6A:27-7.6(d)3, district boards of education must provide, to the executive county superintendent, documentation of automobile liability insurance for bodily injury and property damage that meet the requirements proposed at N.J.A.C. 6A:27-1.6(a). The Department disagrees that designated drivers should be familiar with all areas of a town because schools will be establishing routes that the designated drivers will follow. P.L. 2024, c. 81 and the proposed rules maximize student safety while addressing the bus driver shortage. The Department also disagrees that designated drivers will be used for personal taxi use because they are employed by school districts to transport students on established routes and are not hired by individual families.

4. Comment: The commenter questioned the creation of the nonpublic school consortium transportation program established pursuant to P.L. 2023, c. 326. The commenter stated that State law already permitted school districts to coordinate directly with other school districts regarding the transportation for resident students attending nonpublic schools, charter schools, and renaissance school projects by entering into an agreement with a coordinated transportation service agency (CTSA).

The commenter also stated that N.J.A.C. 6A:27-2.1(b)2 requires a school district to attempt to utilize CTSA's to find bus routes prior to determining whether the school district cannot provide transportation and, instead, must pay aid-in-lieu of transportation to the

student's family. The commenter further stated that CTSAs often charge lower fees for providing administrative services than the six percent administrative fee consortiums are permitted to charge pursuant to P.L. 2023, c. 326. (8)

Response: A consortium established pursuant to P.L. 2023, c. 326 provides school districts with an alternative to CTSAs for school districts and the law permits school districts to decide which option is more cost effective.

5. Comment: The commenter asserted that the proposed amendment at N.J.A.C. 6A:27-2.1(h) to change "may" to "shall" will not require or clarify that the school district is obligated to prorate payments for aid in lieu of transportation. The commenter stated that the Supreme Court of the United States ruled that "shall" can have various meanings and does not always indicate a mandatory obligation. The commenter also stated that "must" is the legal term used for a mandatory obligation. (8)

Response: The Department disagrees. The courts "will defer to an agency's interpretation of both the statute and implementing regulation, within the sphere of the agency's authority" *E. Bay Drywall, LLC v. Dep't of Lab. & Workforce Dev.*, 251 N.J. 477, 493 (2022). The Department interprets the amendment to mandate that the amount of aid-in-lieu be prorated.

6. Comment: The commenter stated that N.J.A.C. 6A:27-7.5(b) requires "school buses" to comply with all New Jersey Motor Vehicle Commission (NJMVC) rules. The commenter also stated that N.J.A.C. 13:20-13.2 extends the definition of "school bus" at N.J.S.A. 39:1-1 to a School Vehicle Type II and defines any vehicle that transports children to and from school with a maximum seating capacity of nine passengers, excluding the driver, as a "Type S" school bus. The commenter stated that transportation in accordance with N.J.A.C. 6A:27-7.6, which permits the transportation of students in private vehicles that are not

regulated as school buses, conflicts with N.J.S.A. 39:1-1, which defines any vehicle that transports children to and from school as a school bus subject to the NJMVC's rules. (8)

Response: P.L. 2024, c. 81 specifically exempts the vehicles used to transport students, in accordance with the provisions of the law and N.J.A.C. 6A:27-7.6(b), from the requirements for school buses as defined in other rules and statutes. The law explicitly prohibits such vehicles from being subject to specific registration, equipment, inspection, and maintenance requirements that are imposed on school bus vehicles.

7. Comment: The commenter opposed the proposed amendments at N.J.A.C. 6A:27-7.6 because they expose school personnel to increased liability. The commenter stated that insurance companies may seek damages from the designated drivers, as well as the administrators that permitted the transportation pursuant to the proposed regulations, if an accident occurs. The commenter also stated that school districts may need to obtain additional liability insurance, which, the commenter contended, would increase school districts' costs. (9)

Response: The Department appreciates the commenter's concerns. Whether a school district assigns current school personnel or only school personnel who volunteer is a contractual matter. Nothing in the statute or rules require school personnel to participate as a designated driver; such decisions are made at the discretion of the employer and employee. As set forth at N.J.A.C. 6A:27-7.6(d)3, district boards of education must provide to the executive county superintendent, documentation of automobile liability insurance for bodily injury and property damage that meet the requirements proposed at N.J.A.C. 6A:27-1.6(a)3.

8. Comment: The commenter asked how transportation in accordance with N.J.A.C. 6A:27-7.6 will affect a school district's efficiency rating. (8)

Response: At this time, the Department's calculation of transportation efficiency ratings will not change. After the first year of implementation, the Department will assess the

appropriateness of modifying the transportation efficiency calculation to account for transportation pursuant to N.J.A.C. 6A:27-7.6.

9. Comment: The commenter asked how transportation provided in accordance with N.J.A.C. 6A:27-7.6 will be reported on the District Report of Transported Resident Students (DRTRS). (8)

Response: School districts will be required to report on the DRTRS, the details of transportation routes and the students being transported in accordance with N.J.A.C. 6A:27-7.6, consistent with the reporting requirements for all other transportation services as described in the [DRTRS's technical manual](#).

10. Comment: The commenter stated that vehicles used to transport students in accordance with N.J.A.C. 6A:27-7.6 cannot be marked as school buses. The commenter asked how parents and students will know they are being picked up by a designated driver, if markings are not required. The commenter also asked if the vehicles will be required to have road triangles or fire extinguishers, which are required for school buses. (8)

Response: The Department understands the commenter's concerns. However, P.L. 2024, c. 81 does not require markings, road triangles, or fire extinguishers for transporting students in accordance with the law. The vehicles used to transport students pursuant to this law are not considered school buses pursuant to P.L. 2024, c. 81 and, therefore, do not have the same requirements. District board of education policies regarding the use of private vehicles to transport students may include identification requirements so parents and students will know they are being picked up by a designated driver.

11. Comment: The commenter stated that the proposed amendments at N.J.A.C. 6A:27-7.6 will allow each school district to create their own maintenance standards for the vehicles

used to transport students, in accordance with the section, as proposed for amendment.

The commenter asserted that there should be one State standard for vehicle maintenance for the transportation of students and not separate standards for each of the more than 600 school districts. (8)

Response: The Department appreciates the commenter's concern. However, P.L. 2024, c. 81 states that the vehicles used to transport students in accordance with the law are exempt from all "registration, equipment inspection, and maintenance requirements imposed on the transportation of pupils by school bus." District board of education policies regarding the use of private vehicles to transport students may include maintenance standards for vehicles.

12. Comment: The commenter stated that existing N.J.A.C. 6A:27-7.6(a) permits the transportation of students to and from school-related activities in private vehicles in accordance with district board of education policies and expressed concern that the proposed amendments at N.J.A.C. 6A:27-7.6(b) will limit school districts' ability to do so. The commenter also stated that this conflicts with the language at P.L. 2024, c. 81. The commenter requested clarification about whether school districts will be able to continue to transport students in private vehicles for school-related activities, as well as to and from school, pursuant to N.J.A.C. 6A:27-7.6, as proposed for amendment. The commenter suggested amending N.J.A.C. 6A:27-7.6(b) to reference transportation to and from school-related activities in addition to transportation to and from school. (6)

Response: The Department disagrees. The amendment at N.J.A.C. 6A:27-7.6(a) maintains the prior language permitting transportation to and from school-related activities as indicated by a district board of education policy. New N.J.A.C. 6A:27-7.6(b) through (k)



apply only to transportation permitted pursuant to P.L. 2024, c. 81 and will not affect any previous right to transport students to and from school-related activities.

13. Comment: The commenter inquired whether proposed N.J.A.C. 6A:27-7.6(b) will permit a school district to hire school personnel for the purpose of transporting students or if school districts are limited to existing school personnel. The commenter also asked whether a school district will be able to assign, to current personnel, the duty of transporting students pursuant to this section, or if school districts will be able to designate as drivers only personnel who volunteer for this additional duty. (3)

Response: N.J.A.C. 6A:27-7.6(b) does not prohibit a school district from hiring staff for the purpose of transporting students. Also, nothing in the statute or rules require school personnel to participate as a designated driver; such decisions are made at the discretion of the employer and employee.

14. Comment: The commenter requested a change at proposed N.J.A.C. 6A:27-7.6(b)1 to replace “the district board of education” with “a district board of education.” The commenter stated that the requested change would facilitate shared services between school districts and educational service commissions by allowing an employee of one school district to provide transportation services in another school district, while maintaining the oversight and training requirements. (6)

Response: The Department agrees and proposed the requested amendment at the notice of proposal level.

15. Comment: The commenter asked why the Department proposed N.J.A.C. 6A:27-7.6(c) to require school personnel to have completed a criminal history background check “within the past year” prior to being designated as a driver pursuant to the section when P.L. 2024,

c. 81 states that designated personnel must have completed a criminal history background check but does not specify a timeframe. The commenter also asked whether the school personnel's initial background check upon being hired by the school district would be sufficient to satisfy the background check requirements pursuant to P.L. 2024, c. 81. The commenter further asked who is responsible for paying for the additional criminal history background checks. (3)

Response: The Department determined that a school personnel's background check conducted upon being hired by the school district is not sufficient to maximize student safety unless it was conducted within the past year. Therefore, the Department proposed to require school personnel to have completed a criminal history background check within the past year. Unlike other school personnel, designated drivers will have extended contact with individual or small groups of students in potentially unmarked vehicles. The school district's policy will need to establish the party responsible for the cost of criminal background checks.

16. Comment: The commenter asked what physical exam findings based on the exam required at proposed N.J.A.C. 6A:27-7.6(c)3 would disqualify a driver from transporting students pursuant to the proposed amendments. The commenter stated that individuals with a CDL would be disqualified from driving school buses due to a medical issue that would not disqualify an individual from obtaining a standard driver's license, such as color blindness or because their vision cannot be corrected to at least 20/40 in each eye. (8)

Response: The Department understands the commenter's concern. A school district that decides to designate drivers to transport students pursuant to P.L. 2024, c. 81 may impose additional requirements in the district board of education policy. N.J.A.C. 6A:27-7.6(c)3 requires the designated driver to have completed, within the past year, a physical

examination pursuant to N.J.S.A. 18A:16.2. The referenced statute allows a district board of education to require its employees to undergo a physical examination and requires the examination for any candidate for employment who has received a conditional offer of employment. The statute also allows the district board of education to require individual psychiatric or physical examinations of any employee, whenever, in the district board of education's judgment, an employee shows evidence of deviation from normal, physical, or mental health. The statute further allows a district board of education to include, as part of the examination, laboratory tests or fluoroscopic or X-ray procedures for the obtaining of additional diagnostic data.

The statute also states that the district board of education may include, at the school district's expense, testing for usage of controlled dangerous substances, as defined at N.J.S.A. 2C:35-2, as part of any physical examination that is required of a candidate for employment who has received a conditional offer of employment. N.J.S.A. 18A:16.2 is applicable to any employee candidate the school district hires, including staff designated as drivers pursuant to P.L. 2024, c. 81.

17. Comment: The commenter requested clarification of the process for a school district to add, remove, or replace staff on the list of designated drivers after the beginning of the school year. (1)

Response: A school district seeking to designate drivers to transport students to and from school, in accordance with P.L. 2024, c. 81 and N.J.A.C. 6A:27-7.6(b), must annually submit a list of all designated drivers by the date established at N.J.A.C. 6A:27-7.6(d) and (e). The school district may not add or replace designated drivers after the established due date but may remove a driver by informing the executive county superintendent that the driver is no longer authorized to transport students pursuant to N.J.A.C. 6A:27-7.6(g).

18. Comment: The commenter asked the Department to provide the significance of the July 15 deadline, at proposed N.J.A.C. 6A:27-7.6(d), for district boards of education to submit a list of designated drivers and supporting documents to the executive county superintendent. The commenter also asked whether a school district could add personnel to the list. The commenter urged the Department to provide school districts with additional time and flexibility to designate personnel closer to the beginning of the school year. (3)
19. Comment: The commenter requested that the annual deadline of July 15, at proposed N.J.A.C. 6A:27-7.6(d), for district boards of education to submit a list of school personnel designated as drivers and supporting documents to the executive county superintendent be changed to August 15, at the earliest, or September 1, at the latest, because the proposed deadline of July 15 will prevent school districts from fully realizing the potential of P.L. 2024, c. 81. (1)
20. Comment: The commenter requested that the Department amend proposed N.J.A.C. 6A:27-7.6(d) to change the annual deadline of July 15 for district boards of education to submit a list of school personnel designated as drivers and supporting documents to the executive county superintendent to August 15 and to allow for the addition and deletion of designated drivers throughout the school year. The commenter stated that the requested delay is necessary because personnel changes are inevitable and school districts need to be able to maintain a consistent and reliable transportation service list. The commenter also stated that requiring school districts to submit, in the summer, a list of school personnel eligible to drive throughout the entire school year is cost and time prohibitive and allowing additions to the list throughout the year would ensure replacement drivers are available. (6)

21. Comment: The commenter requested the Department replace the July 15 deadline at N.J.A.C. 6A:27-7.6(d) with a rolling deadline because the proposed deadline to submit school personnel to drive for the entire year is cumbersome and unreasonable. The commenter stated that school districts hire staff through August and the timeline does not allow school districts to add mid-year hires to the designated driver list. The commenter contended that P.L. 2024, c. 81 was intended to allow school districts to hire drivers specifically for this purpose, as well as to designate current school personnel. The commenter stated that it is difficult to hire drivers and they often leave during the school year, so school districts could not replace them due to the early deadline. (5)

Response to Comments 18, 19, 20, and 21: The Department disagrees with the request for the July 15 deadline to be changed to a rolling date or to otherwise permit school personnel to be designated as drivers during the school year. P.L. 2024, c. 81 expressly requires the establishment of a single deadline for the designation of drivers and allows only drivers who are designated prior to the Commissioner-set deadline to transport students in accordance with the law for the school year. Therefore, P.L. 2024, c. 81 precludes the addition of designated drivers to a school district's list after the deadline and does not permit the establishment of a rolling deadline.

The Department agrees with the commenters that the July 15 deadline could place an undue burden on school districts by shortening the time to hire individuals, perform the required background checks, and train them as designated drivers for the school year. The July 15 deadline could also be detrimental to students by limiting their transportation options and potentially leading to more parents receiving aid in lieu because school districts are unable to provide transportation for students. Amending the deadline to August 15 annually will provide school districts with additional time to designate drivers while

complying with the statutory mandate that a singular date be established. Extending the deadline will not be detrimental to school districts, school personnel, students, or families.

P.L. 2024, c. 81, which took effect on the first day of the 2025-2026 school year, allows the Commissioner to take administrative action in advance to allow for the timely implementation of the law. Due to the time necessary to develop and release guidance, adjust the CARI program system, and create a platform for school districts to submit information to the county offices of education, the Commissioner determined that July 15 was not a reasonable timeline for the first year of implementation and established an August 15 deadline for the 2025-2026 school year.

For all of the reasons stated above, the Department adopts at new N.J.A.C. 6A:27-7.6(d) and (e) to adjust the annual deadline by replacing “July 15” with “August 15.”

22. Comment: The commenter stated that the Federal Motor Carrier Safety Administration (FMCSA) identifies disqualifying driving offenses for CDL drivers. The commenter asked the Department to provide disqualifying driving offenses for school personnel without a CDL who are designated as drivers pursuant to proposed N.J.A.C. 6A:27-7.6(d). (8)

Response: P.L. 2024, c. 81 states that drug- and alcohol-related motor vehicle violations, as well as any violation that would disqualify a person from transporting students pursuant to Titles 18A and 39 of the New Jersey Statutes, would also disqualify school personnel from transporting students as a designated driver.

23. Comment: The commenter asked the Department to quantify the cost to school districts to conduct monthly motor vehicle record checks pursuant to N.J.A.C. 6A:27-7.6(g). (3)

Response: According to the NJMVC, the NJMVC presently charges \$150.00 per year for qualified government agencies to access the online Customer Abstract Information Retrieval (CAIR) program system, which provides direct access to driving records. The

administrative fee covers the first 5,000 online transactions made by a qualified government agency.

24. Comment: The commenter asked if the school district must perform monthly motor vehicle record checks in accordance with proposed N.J.A.C. 6A:27-7.6(g) on all designated school personnel during the summer months when schools are closed and, therefore, not all designated personnel will be driving students. (3)

Response: Yes, the school district must access the monthly motor vehicle record checks on all designated drivers who remain on the approved list during the summer months.

25. Comment: The commenter stated that the requirement at proposed N.J.A.C. 6A:27-7.6(g) for school district boards of education to perform monthly driving record checks could cost school districts more time and money than will be saved by designating school personnel to transport students to and from school. The commenter requested that the Department maintain a database for school personnel designated as drivers that the county offices of education would monitor and notify a school district if a driver has a disqualifying offense. The commenter stated that this is already done for other personnel and should be the same for drivers pursuant to N.J.A.C. 6A:27-7.6, as proposed for amendment. The commenter also stated that school employees already are required to inform their supervisor if they receive a motor vehicle violation that could endanger their position. (5)

Response: The Department disagrees that new N.J.A.C. 6A:27-7.6(g) will cost school districts more time and money than will be saved. The Department emphasizes that designating drivers is voluntary, and a school district does not have to participate in the program if it will cost more money than will be saved. Although school personnel are required to inform their supervisor if they have a disqualifying motor vehicle violation, P.L. 2024, c. 81 requires a school district seeking to designate drivers pursuant to the law to

submit driving records to the executive county superintendent at a time and frequency as determined by the Commissioner. P.L. 2024, c. 81 places the responsibility on a school district that chooses to participate in this voluntary program and does not require the Department to create and maintain a database of designated drivers.

26. Comment: The commenter stated that school bus drivers are subject to annual drivers' abstract checks and not monthly checks as required by the proposed amendment at N.J.A.C. 6A:27-7.6(g) for school personnel designated as drivers. The commenter stated that monthly checks would add to the workload of school district transportation departments, which, the commenter contended, are already overworked and understaffed. The commenter stated that school personnel designated as drivers should be required to provide the monthly abstracts and not the school district. (4)

Response: The Department disagrees. Unlike designated drivers pursuant to the rulemaking, licensed bus drivers are required to possess CDLs and comply with additional rules that place significant additional requirements on bus drivers to ensure the safety of students. The Department maintains that monthly motor vehicle records accessed by the school district are necessary to ensure the safety of students being transported by designated drivers in accordance with N.J.A.C. 6A:27-7.6(b).

27. Comment: The commenter expressed concern that proposed N.J.A.C. 6A:27-7.6(j) exempts vehicles used to transport students pursuant to the section from the safety inspections required for school buses. The commenter stated that passenger vehicles are checked for only emissions-related issues and not for brakes, lights, and other safety features, even though school buses are checked every six months for the latter and undergo annual emissions checks. The commenter also stated that passenger vehicles are completely exempt from safety inspections and, therefore, the proposed rules do not ensure the safety of the students



being transported in passenger vehicles. The commenter suggested that all vehicles transporting students must be required to undergo full safety inspections. (4)

Response: The Department understands the commenter's concerns. However, P.L. 2024, c. 81 states that the vehicles used to transport students in accordance with the law are exempt from all "registration, equipment inspection, and maintenance requirements imposed on the transportation of pupils by school bus." Therefore, N.J.A.C. 6A:27-7.6 cannot include the safety inspections that are required for school vehicles. District board of education policies regarding the use of private vehicles to transport students may include maintenance standards for vehicles.

28. Comment: The commenter asked if school district participation in the consortium at proposed N.J.A.C. 6A:27-14.1 is voluntary. (3)

Response: Yes, participation in the consortium program is voluntary.

29. Comment: The commenter requested that proposed new N.J.A.C. 6A:27-14.2(b) be amended to require the consortium to establish a standard rate for subscription transportation services to be applied uniformly to all participating school districts. The commenter stated that the Lakewood Student Transportation Authority (LSTA), which is the consortium with which the commenter's school district currently participates, offers subscription transportation services at a rate of \$90.00 per student for students enrolled in the Jackson School District, but does not charge the Lakewood School District for subscription transportation services. The commenter also stated that the current practice requires certain school districts to subsidize subscription busing for other school districts. (7)

Response: The Department declines to propose the requested change. Pursuant to Section 1.b(2) of P.L. 2023, c. 326, a consortium must charge parents the actual cost for providing subscription transportation services but not more than "the per pupil cost of the route." As the

actual transportation cost for each student and the per pupil cost of the route will vary by bus route, the consortium cannot charge a uniform rate for all students within one school district or multiple school districts.

30. Comment: The commenter stated that proposed N.J.A.C. 6A:27-14.2(b) does not provide sufficient guidance regarding how the per pupil route costs should be calculated when bus routes include students from multiple school districts, students who are eligible for transportation, and students who are receiving subscription transportation services. The commenter also stated that a school district is unable to verify the actual route costs for most of the routes in the existing student transportation consortium because the school district can access only its own student data. The commenter requested that the Department oversee and verify the calculation of the actual route costs. (7)

Response: The Department disagrees with the commenter that insufficient guidance has been provided on how to calculate the per pupil route costs. The per pupil route cost is the total cost of the route divided by the total number of students being transported, regardless of whether a student is being provided mandatory or subscription transportation services. The consortium is responsible for the calculation of the actual route costs and for providing the following to all participating school districts: the proposed routes prior to putting the routes out for bid in accordance with N.J.A.C. 6A:27-14.4(g); all documents necessary to calculate the actual cost for transporting each student; the per pupil cost for the route in accordance with N.J.A.C. 6A:27-14.4(l); and all documents necessary to evaluate the consortium's performance in accordance with N.J.A.C. 6A:27-14.4(v). N.J.A.C. 6A:27-14.4(y) also will require consortiums to conduct annual audits. Finally, any dispute over the consortium program may be submitted to the executive county

superintendent for a determination in accordance with N.J.A.C. 6A:27-14.7(g) and 14.8(b).

31. Comment: The commenter stated that proposed new N.J.A.C. 6A:27-14.3(c), which will require school districts to pay aid-in-lieu amounts for students who enroll after the start of the school year, would cost the school district an additional \$350,000. The commenter stated that applications received after the submission of the DRTRS are not prorated because students who enroll late do not generate nonpublic transportation aid. The commenter further stated that N.J.A.C. 6A:27-2.1(h) states that an aid-in-lieu payment may be “adjusted,” but is not required. The commenter requested that the rule be amended to eliminate the prorated aid-in-lieu payment to the consortium. (7)

Response: The Department declines to propose the requested change and disagrees that the school district is not currently responsible for the prorated aid-in-lieu payments.

N.J.S.A. 18A:39-1 clearly requires aid-in-lieu of transportation payment amounts for students who enroll in the school district after the start of the school year and provides the following calculation: aid-in-lieu amount divided by 180, multiplied by the number of school days remaining at the time of registration. The new consortium law, P.L. 2023, c. 326, further requires the same prorated calculation for students who are not enrolled for the entire school year. Further, N.J.A.C. 6A:27-2.1(h), as amended, states that the aid-in-lieu “shall be prorated.”

32. Comment: The commenter expressed concern with proposed new N.J.A.C. 6A:27-14.3(e) and (e)1, which require participating school districts to complete the DRTRS application for all resident nonpublic school students who are eligible for transportation. The commenter stated that the school district has struggled with how to accurately report students whose transportation is handled by the consortium. The commenter specifically

asked the question of whether route costs should be calculated based on all students, including those paying through subscription, or if it should be based on only eligible students. The commenter contended that the difference in calculation has implications for the commenter's school district of up to \$300,000 in transportation aid. The commenter asserted that the Department's inaction to provide clarity has the potential to make consortium partnerships more costly than aid-in-lieu per pupil costs. The commenter recommended that all eligible mandated students be considered as aid-in lieu for the purposes of DRTRS submission, ensuring the viability of consortium partnerships without jeopardizing the loss of non-public transportation reimbursement. (7)

Response: The Department disagrees with the commenter. P.L. 2023, c. 326 does not affect a school district's reporting requirements regarding the transportation of eligible nonpublic school students. Further, P.L. 2023, c. 326 states that nothing in the act shall be construed to alter the amount paid by the State for nonpublic school transportation costs. The State grants transportation aid for the actual transportation cost for each eligible student up to the maximum transportation aid amount if no transportation is provided and the student receives aid-in-lieu. School districts are required to report the actual transportation cost of each student on the DRTRS and only report a student as receiving aid-in-lieu if the student received the aid-in-lieu from the consortium. With respect to calculation of actual cost of the route, the cost is based upon all students — including subscription and mandatory students — being transported.

33. Comment: The commenter inquired whether the consortium and consortium oversight committee as set forth at N.J.A.C. 6A:27-14.7 are subject to the Open Public Records Act (OPRA) and State records retention laws. (3)

Response: Consortia are not public entities; they are created by private schools and operate

as a nonprofit corporation in accordance with N.J.A.C. 6A:27-14.4(a). Records from the school district that are in the consortium's possession, including, but not limited to, the contract between the consortium and the school district and documents that the school district is required to submit to the State, are public records and subject to disclosure pursuant to OPRA and other record retention laws. Consortium oversight committees are public entities and meet in accordance with the Senator Byron M. Baer Open Public Meetings Act as stated at N.J.A.C. 6A:27-14.7(a). Their records are also subject to disclosure pursuant to OPRA and other record retention laws. Specific criteria related to OPRA requests can be found on the [Government Records Council's website](#) and record retention schedules can be found on the [Department of the Treasury's records retention website](#).

34. Comment: The commenter stated that New Jersey is only one of seven states that provide for transportation of nonpublic school students and contended that other states do not want taxpayer funds to subsidize this type of transportation. The commenter also stated that New Jersey limits the cost to transport nonpublic school students to the aid-in-lieu amount.

For illustrative purposes, the commenter provided the following example of the impact of using aid-in-lieu amounts as the maximum amount for a bus contractor bid: transportation of 50 students multiplied by the maximum aid-in-lieu amount of \$1,177 would result in a maximum of \$58,850 that a bus contractor can bid for a bus route. The commenter stated that nonpublic schools are not restricted in the amount they can charge parents for transportation and indicated that at least one private school charges parents \$5,000 per student for transportation. Using the previous example of 50 students, the commenter stated that a bus contractor could receive \$250,000 for a route paid for by the nonpublic school, but a public school can pay only \$58,850 to transport the same number of students. (8)

Response: The Department disagrees. If the cost for a bus route exceeds the per pupil aid-in-

lieu amount, P.L. 2023, c. 326 states that mandated students are eligible to receive aid-in-lieu of transportation. A consortium may not transport mandated or subscription students on any route that exceeds the maximum cost, even if the route transports only subscription students. If the cost for the route is less than, or equal to, the aggregate per pupil aid-in-lieu amount, then all mandatory students must be transported, even if their individual actual cost exceeds the aid-in-lieu amount. If the cost for the route is less than, or equal to, the aggregate per pupil aid-in-lieu amount, a consortium may transport non-mandated students but must charge the parent or guardian the lesser of the actual cost of transportation or the per pupil cost for the route, which cannot exceed the aid-in-lieu amount. As a result, using the commenter's example, the consortium may not accept a bid for any route that is more than \$58,850 to transport 50 students, even if the route transports only subscription students.

35. Comment: The commenter asked why the proposed new rules at N.J.A.C. 6A:27-14 do not reference the limit of 30 miles for the transportation to and from school of nonpublic school students residing in counties that meet certain criteria. The commenter stated that the 30-mile limit applies to Cumberland, Gloucester, Hunterdon, Salem, Sussex, and Warren Counties. (8)

Response: N.J.S.A. 18A:39-1 does not include the 30-mile requirement for the transportation to and from school of nonpublic school students residing in counties that meet certain criteria. The 30-mile requirement was adopted in the annual appropriations act for Fiscal Year 2026. The Department does not propose the rulemaking based on exceptions to statutory requirements that are set forth in the annual appropriations act. However, the consortium is required to follow the 30-mile requirement because P.L. 2023, c. 326 states that "the consortium shall assume all of the responsibilities of the school district ... for transporting to and from nonpublic schools," which includes the

transportation of students that reside within 30 miles of the nonpublic school as required for the 2025-2026 school year pursuant to the annual appropriations act.

36. Comment: The commenter stated that the School Transportation Supervisors of New Jersey (STS), which is an organization that represents transportation directors across the State, has been involved in stakeholder sessions for the drafting of many of the laws that govern student transportation. The commenter inquired why STS was not involved in the stakeholder process for the proposed amendments and new rules at N.J.A.C. 6A:27. The commenter also requested that STS representatives be included in future stakeholder sessions. (8)

Response: The Department understands STS's concerns. Stakeholder sessions were not held prior to drafting the proposed rulemaking due to the compressed timeframe for proposing rules to implement P.L. 2024, c. 81, which was enacted in October 2024 and first applicable to the 2025-2026 school year. As it relates to P.L. 2023, c. 326, the Department contends that prior stakeholder engagement would not have resulted in revisions to the rules due to the level of the law's specificity. However, the Department values STS's input and experience and has always attempted to include STS in stakeholder sessions. The Department looks forward to working with STS in the future to improve transportation of students in the State.

37. Comment: The commenter requested that the State Board of Education consider consulting with members of STS so they can provide insight regarding decisions impacting student transportation, STS members, and individual communities. The commenter stated that participation and input from STS members will assist transportation coordinators in their legal obligation to run efficient school district transportation departments at the lowest cost to taxpayers. The commenter provided an example of the lack of communication with the STS regarding a change to the insurance requirements that have been in place for more than a year, but the STS was unaware of the requirement. (8)

Response: The Department values STS's input and experience and has always attempted to include STS in stakeholder sessions. The Department looks forward to working with STS in the future to improve transportation of students in the State.

38. Comment: The commenter stated that STS previously met with State representatives regarding the Special Education Transportation Task Force that would be established if pending legislation (S-3447/A-4607) is enacted. The commenter called for amendments to the pending bill to require the appointment of two STS members to the task force because none of the members referenced in the current version of the legislation is responsible for transporting students or supervising employees who provide student transportation. (8)

Response: The comment is outside the scope of the rulemaking.

#### **Summary of Agency-Initiated Change:**

1. The Department is changing N.J.A.C. 6A:27-7.6(i) to delete the commas before and after "and in accordance with" as they were inadvertently added during the editing process. The rule requires a vehicle being used pursuant to this section to adhere to State and Federal standards, as well as the student's individualized education program.

#### **Federal Standards Statement**

The amendments and new rules are in compliance with, and do not exceed, Federal education requirements included in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the amendments and new rules. The amendments will not be inconsistent with, or exceed, Federal requirements or standards as the amendments and new rules



are consistent with existing requirements for school districts when providing transportation services to public and nonpublic school students.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

## Subchapter 7. Vehicle Use and Standards

### 6A:27-7.6 Exceptions for transportation in certain vehicles

(a)-(c) (No change from proposal.)

(d) No later than **\*[July]\* \*August\*** 15 of each year, a district board of education that designates school personnel pursuant to (b) above shall provide, to the executive county superintendent, the following:

1.-3. (No change from proposal.)

(e) School personnel shall not transport students between home and school pursuant to (b) above if the school personnel are not included on the list at (d) above or if the list is not provided to the executive county superintendent by the **\*[July]\* \*August\*** 15 due date.

(f)-(h) (No change from proposal.)

(i) Any vehicle used to transport students only pursuant to (a) or (b) above shall meet all State and Federal standards and requirements specific to the vehicle**\*[,]\*** and in accordance with**\*[,]\*** the transported student's individualized education program (IEP), if applicable.

(j)-(k) (No change from proposal.)