

Proposed Amendments and New Rules at N.J.A.C. 6A:27, Student Transportation

The following is the accessible version of the proposed amendments and new rules at N.J.A.C. 6A:27.

The proposal level document includes three sections – [comments and responses](#), a [summary of the rulemaking](#) and the [text of the proposed amendments and new rules](#).

**State Board of Education
Administrative Code
Comment/Response Form**

This comment and response form contains comments from the public received after the April 2, 2025, State Board meeting when the rulemaking was introduced at Second Discussion Level.

Topic:	Student Transportation	Meeting Date:	May 7, 2025
Code Citation:	N.J.A.C. 6A:27	Level:	Proposal
Division:	Finance and Business Services	Completed by:	Office of School Finance

Summary of Comments and Agency Responses:

The following is a summary of the comments received from 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. Steve Gardberg, School Business Administrator, Boonton Public Schools
 2. John J. Mullholland, Jr, Executive Director, Association of Schools and Agencies for the Handicapped (ASAH)
 3. Dan Baginski, Business Administrator/Board Secretary, Jackson Township School District
 4. Elizabeth Yucis, Associate Director, Professional Development and Instructional Issues, New Jersey Education Association
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1. **Comment:** The commenter expressed support for proposed new N.J.A.C. 6A:27-7.6, which will allow district boards of education to designate school personnel who are not licensed as school bus drivers to transport students between home and school in a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver. The commenter stated that the proposed new rules will provide school districts with flexibility and cost-saving opportunities. **(1)**
Response: The Department thanks the commenter for the support.
 2. **Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:27, Student Transportation. **(4)**
Response: The Department thanks the commenter for the support.
 3. **Comment:** The commenter expressed concern regarding the deadline proposed at N.J.A.C. 6A:27-7.6(d), which will require district boards of education to submit a list of designated drivers and supporting documents to the executive county superintendent by July 15 of the preceding year. The commenter stated that prohibiting school districts from adding drivers throughout the school year will not sufficiently account for factors beyond the school district's control, such as families moving into the school district. The commenter requested that the Department consider adding flexibility to allow school districts to add drivers throughout the school year. **(1)**

Response: The Department declines to propose the commenter's requested change because N.J.S.A. 18A:39-20.1 requires the Department to establish a deadline for the submission of the list. Since the statute does not limit the number of designated drivers, district boards of education can designate more personnel than they intend to use to account for potential increases in student enrollment throughout the year.

4. **Comment:** The commenter expressed appreciation for the Department beginning the regulatory process in time for the proposed amendments at N.J.A.C. 6A:27 to become effective in the 2025-2026 school year. (2)

Response: The Department thanks the commenter for the support.

5. **Comment:** The commenter expressed support for proposed new N.J.A.C. 6A:27-7.6 because the rules will have a positive impact on the services APSSDs provide for students with disabilities. The commenter emphasized the importance of the proposed new rules' potential benefits for schools, including traditional public school districts and approved private schools for students with disabilities (APSSDs), to use existing staff to transport students to and from school and to structured learning experiences (SLEs) and work-based learning (WBL). The commenter stated that these types of community-based learning opportunities have demonstrated positive outcomes and prepare APSSD students for life after graduation by providing students with job training, which help students develop critical skills for entry into the workforce, and work experiences that often lead to employment opportunities after graduation. (2)

Response: The Department thanks the commenter for the support. The Department notes that the authorizing statute (P.L. 2023, c. 326) and proposed new rules at N.J.A.C. 6A:27-7.6 permit the new designation of drivers and vehicles to be used for transporting students only to and from school.

6. **Comment:** The commenter requested that proposed new N.J.A.C. 6A:27-14.2 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 Jackson and Toms River school districts, 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. (3)

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. Since the actual cost will vary by bus route, the consortium cannot charge a uniform rate for all students within one school district or multiple school districts.

7. **Comment:** The commenter expressed concern that the proposed new rules at N.J.A.C. 6A:27-14.3 will increase the cost and administrative staff burden on participating school districts. The commenter stated that proposed new N.J.A.C. 6A:27-14.3(f), which requires participating school districts to document receipt of the certified Nonpublic School Transportation Summary for all eligible students in January and May, will place an onerous burden on school districts and will require school districts to increase staffing to comply. The commenter also stated that relieving this administrative burden from school districts was one of the reasons why the consortium was created and is one of the primary benefits of

participating in a consortium for student transportation. The commenter expressed support for increasing nonpublic school students' access to transportation, but stated that the cost incurred to do so should not exceed a school district's obligation for the aid-in-lieu of transportation amount. (3)

Response: The Department disagrees that proposed new N.J.A.C. 6A:27-14.3 will increase costs and burden school district. The resident school district ultimately is responsible for providing transportation services for eligible students and ensuring the appropriate expenditure of public funds. This responsibility includes approving and maintaining accurate documentation of student eligibility for transportation services and aid-in-lieu of transportation payments. Participating school districts are not obligated to provide to a consortium an amount above the amount for aid-in-lieu of transportation.

8. **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 District Report of Transported Resident Students (DRTRS) are not prorated because students who enroll late do not generate nonpublic transportation aid. The commenter stated that the school district is not currently responsible for this amount, and requested that the regulation be amended to eliminate the prorated aid-in-lieu payment to the consortium. (3)

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 calculation of one divided by 180 multiplied by the number of days remaining at the time of registration. The new consortium law, P.L. 2023, c. 326, further requires the same proration calculation for students who are not enrolled for the entire school year.

9. **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 Department has provided inadequate and inconsistent guidance about how student data should be reported in the DRTRS. The commenter also stated that costs for students transported by the consortium have historically been reported as the aid-in-lieu amount because that is the amount paid to the consortium. The commenter further stated that the school district submitted its DRTRS with this aid-in-lieu information, but then the Department directed the consortium to calculate a route cost per student and the school district to revise the DRTRS with actual route cost data.

The commenter also stated that the Department has not provided 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 further stated that the uncertainty results in serious financial impacts. The commenter requested that the Department provide clear guidance as to whether students receiving subscription transportation services should be included in the calculation of route costs for the DRTRS. (3)

Response: The Department disagrees that the proposed new rules and Department's guidance to date have been unclear about required reporting for the DRTRS. As a steward of public funds, a resident school district is responsible for accurately reporting student and route data in the DRTRS. The Department also disagrees that students transported by the consortium were

historically reported on the DRTRS as “aid in lieu.” Each year, school districts are required to submit student and route reports that provide the actual cost for all bus routes and students; the new consortium law, P.L. 2023, c. 326, does not eliminate this requirement. Section b(1) of the consortium law states, in part: “If the per pupil cost of the lowest bid received exceeds the aid-in-lieu-of transportation amount, then the parent or guardian of the student shall be eligible to receive the aid-in-lieu of transportation amount from the consortium for that school year.” Therefore, the per pupil cost must be known at the time bids are received. Moreover, N.J.S.A. 18A:39-1a enables school districts to receive additional funding for nonpublic school transportation costs that exceed a specific per pupil cost threshold. The determination of this additional aid amount can be calculated only when the actual cost per student is known. P.L. 2023, c. 326 also requires the consortium to refund, to the school district, the difference between the aid-in-lieu payment and the actual cost for transporting a student. The refund amount can be determined only by using detailed student information, including the student’s eligibility for transportation services and the actual route cost.

The only historical deviation from DRTRS reporting practices was under a pilot program established for one district (Lakewood School District), pursuant to P.L. 2016, c. 22. That pilot program was in effect for only three years – 2016-2017 through 2018-2019 – and included processes and requirements that are different from the current consortium program. Aside from those three years with changes exclusively for the Lakewood School District’s pilot program, DRTRS reporting requirements for all school districts, including the commenter’s school district, have remained constant. The Department did not provide guidance for school districts participating in the new consortium program because the Department was not notified that any school district was electing to participate in the consortium. The Department also did not receive any request for guidance regarding the appropriateness of any school district’s chosen methodology for reporting students in the DRTRS.

Agency-Initiated Changes

1. The Department proposes to correct the codification of proposed new N.J.A.C. 6A:27-7.6(b)i to N.J.A.C. 6A:27-7.6(b)1. The Department also proposes an amendment at new N.J.A.C. 6A:27-7.6(b)1 to replace “the” with “a” before “district board of education.” The proposed amendment will clarify that the school personnel utilized to transport student pursuant to this section may be employed by any district board of education, as defined at N.J.A.C. 6A:27-1.2(a). A district board of education is allowed to contract with another district board of education to drive students to and from school pursuant to proposed new N.J.A.C. 6A:27-7.6(b).

(b) A district board of education may designate school personnel who are not licensed as school bus drivers to transport students between home and school in a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver, provided the designated school personnel meet the criteria and requirements at (c) and (d) below.

[[i.]] *1.* For purposes of this section, “school personnel” means any person employed by [[the]] *a* district board of education.



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Proposal Level
May 7, 2025

KEVIN DEHMER
Commissioner

To: Members, State Board of Education

From: Kevin Dehmer
Commissioner

Subject: N.J.A.C. 6A:27, Student Transportation

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

Reason for Action: Amendments and New Rules

Sunset Date: December 22, 2028

Summary

The Department of Education (Department) proposes to amend N.J.A.C. 6A:27, Student Transportation, to align the chapter with recent changes to State law.

The Department proposes to amend N.J.A.C. 6A:27-2.1 to clarify the calculation of adjustments made to the payment amounts for nonpublic school student aid-in-lieu of transportation pursuant to N.J.S.A. 18A:39-1.

The Department proposes to amend N.J.A.C. 6A:27-7.6 to effectuate P.L. 2024, c. 81, which allows district boards of education to designate school personnel who are not licensed as school bus drivers to transport students between home and school in a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver.

The Department also proposes to add new Subchapter 14 to codify a process for the implementation of the nonpublic consortium transportation program pursuant to P.L. 2023, c. 326. Enacted in January 2024, P.L. 2023, c. 326 authorizes the establishment of a nonpublic consortium for the purpose of assuming the responsibility of transporting students who reside in participating school districts but attend member nonpublic schools. The public law's implementation is limited to three years, so it was not codified in statute.

The following summary provides an overview of the proposed amendments and new rules:

Subchapter 2. Nonpublic School Transportation

N.J.A.C. 6A:27-2.1 General provisions

This section establishes general provisions for the subchapter governing the transportation of nonpublic school students.

The Department proposes to amend N.J.A.C. 6A:27-2.1(h) to require a district board of education to prorate the payment of aid in lieu of transportation under the specified circumstances, rather than the existing language allowing the payment to be adjusted. The proposed amendments also will require the proration to be determined based upon the date that the application was received or the date the student withdrew, as applicable, and the last day of the school year. The proposed amendments are intended to clarify the rule to increase transparency in the process of establishing aid-in-lieu of transportation payment amounts and to ensure that school districts are using the standardized calculation established at N.J.S.A. 18A:39-1.

Subchapter 7. Vehicle Use and Standards

N.J.A.C. 6A:27-7.6 Transportation to and from school-related activities

This section allows private vehicles with a capacity of eight or fewer passengers to be used for transportation of students to and from school-related activities, in accordance with policies and regulations adopted by the district board of education. The section requires the policies and regulations to clearly stipulate procedures for the safe transportation of students in private vehicles, including provisions for appropriate and adequate insurance coverage of private vehicles and the approval of activities and drivers.

The Department proposes to replace the section's existing heading with "Exceptions for transportation in certain vehicles" to reflect the section's content as proposed for amendment.

The Department proposes to codify the section's existing provisions as N.J.A.C. 6A:27-7.6(a).

The Department proposes new N.J.A.C. 6A:27-7.6(b) to allow a district board of education to designate school personnel who are not licensed as school bus drivers to transport students between home and school in a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver, provided the designated school personnel meet the criteria and requirements at new N.J.A.C. 6A:27-7.6(c) and (d). The proposed rule will also include a definition of "school personnel" to clarify that only employees of a district board of education may be considered personnel for the purpose of this section.

The Department proposes new N.J.A.C. 6A:27-7.6(c) to specify the criteria for school personnel who are not licensed as school bus drivers to be eligible to transport students. The proposed rule aligns with the criteria established at N.J.S.A. 18A:39-20.1. To further ensure the safe transportation of students, the proposed rule also will require newly designated drivers to consent to monthly motor vehicle record checks, and to undergo basic safety training pursuant to N.J.S.A. 18A:39-19.1a.c.

The Department proposes new N.J.A.C. 6A:27-7.6(d) to establish July 15 as the annual deadline for district boards of education that designate school personnel to transport students pursuant to new N.J.A.C. 6A:27-7.6(b) to provide the executive county superintendent with the following:

- A list of school personnel who have been designated to provide student transportation between home and school;
- A copy of each designated individual's driver history abstract documenting that, in the previous five years, the individual has not committed an alcohol- or drug-related motor vehicle violation or any other motor vehicle violation that would disqualify the individual from transporting students pursuant to Title 18A or Title 39 of the New Jersey Statutes; and

- Documentation of automobile liability insurance for bodily injury and property damage in an amount in accordance with N.J.A.C. 6A:27-1.6(a).

The Department proposes new N.J.A.C. 6A:27-7.6(e) to prohibit school personnel from transporting students between home and school pursuant to N.J.A.C. 6A:27-7.6(b) if school personnel are not included on the required list or if the list is not provided to the executive county superintendent by the July 15 due date.

The Department proposes new N.J.A.C. 6A:27-7.6(f) to require an individual designated by a district board of education to transport students between home and school pursuant to N.J.A.C. 6A:27-7.6(b) to immediately notify the district board of education of any motor vehicle violation that is alcohol- or drug-related or otherwise would disqualify the individual from transporting students pursuant to State education and motor vehicle laws. The proposed rule will require the notification if the violation occurs in the current school year during which the individual has been designated to transport students between home and school.

The Department proposes new N.J.A.C. 6A:27-7.6(g) to require a district board of education that designates drivers to transport students pursuant to N.J.A.C. 6A:27-7.6(b) to access – on a monthly basis – each designated individual’s driving record to ensure the individual has not committed a disqualifying offense. Proposed new N.J.A.C. 6A:27-7.6(h) will require the district board of education to immediately notify the executive county superintendent and remove the individual from the list of designated drivers if the designated individual is found to have a disqualifying offense.

Proposed new N.J.A.C. 6A:27-7.6(f), (g), and (h) will ensure designated school personnel transporting students pursuant to the new law do not have disqualifying motor vehicle violations and are disqualified immediately from further transporting students if a disqualifying violation occurs during the school year.

The Department proposes new N.J.A.C. 6A:27-7.6(i) to require any vehicle used to transport students pursuant to N.J.A.C. 6A:27-7.6(a) or (b) to 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. The proposed rule will ensure that vehicles used to transport students pursuant to this section must meet regular inspection and registration requirements even though they are not subject to bus inspections and other requirements related to school buses. The proposed rule also will ensure that all IEP requirements related to transportation are met for a student who is transported pursuant to this section.

The Department proposes new N.J.A.C. 6A:27-7.6(j) to exempt any vehicle used solely to transport students pursuant to this section from the requirements at N.J.A.C. 6A:27-7.1, 7.2(a), 7.4, 7.9, and 11.1. The proposed rule will clarify that a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver, that is used only to transport students pursuant to this section does not have to meet the cited requirements that apply to school buses and to small vehicles as defined at N.J.A.C. 6A:27-7.4.

The Department proposes new N.J.A.C. 6A:27-7.6(k) to exempt any individual designated by a district board of education to transport students between home and school pursuant to this section from the requirements at N.J.A.C. 6A:27-11.2, 11.3, and 12.1. The proposed rule subjects a driver designated to transport students pursuant to this section to only

the requirements in this section and exempts the driver from the cited requirements that apply to school bus drivers in accordance with N.J.S.A. 18A:39-20.1.a.

Proposed Subchapter 14. Consortium of Nonpublic Schools

N.J.A.C. 6A:27-14.1 General Provisions

This proposed section provides the general provisions and definitions for the subchapter.

The Department proposes N.J.A.C. 6A:27-14.1(a) to set forth the subchapter's purpose, and references to the nonpublic school consortium transportation program's authorizing statutes and public law, and the expiration date of January 16, 2027.

The Department proposes N.J.A.C. 6A:27-14.1(b) to establish the following definitions for use throughout the subchapter: "consortium," "member nonpublic school," "nonpublic school consortium transportation program" or "consortium program," "oversight committee," "participating school district," and "subscription transportation services."

The Department proposes N.J.A.C. 6A:27-14.1(c) to list the Commissioner-prescribed forms that the Department will publish on its website, including a Nonpublic School Transportation Application, Nonpublic School Transportation Payment Voucher, and Nonpublic School Transportation Summary.

N.J.A.C. 6A:27-14.2 Nonpublic student transportation eligibility requirements

This proposed section provides the criteria for determining which nonpublic school students are eligible for transportation services through the consortium.

The Department proposes N.J.A.C. 6A:27-14.2(a) to require a consortium to provide transportation, or aid in lieu of transportation, for all students who are enrolled in a member nonpublic school and who meet the eligibility criteria at N.J.S.A. 18A:39-1 et seq. The proposed rule will ensure that the consortium is using the same criteria that school districts use for determining non-member nonpublic school students' eligibility for transportation services.

The Department proposes N.J.A.C. 6A:27-14.2(b) to allow, but not require, a consortium to provide subscription transportation services for students attending member nonpublic schools who are not eligible for transportation services pursuant to N.J.S.A. 18A:39-1 if the following limited circumstances are met: the student does not live more than 20 miles from the member nonpublic school and the student's parent(s) or guardian(s) agree to pay the consortium for the actual route cost.

N.J.A.C. 6A:27-14.3 Responsibilities of a participating school district

This proposed section establishes the responsibilities of school districts that are participating in a nonpublic school consortium transportation program.

The Department proposes N.J.A.C. 6A:27-14.3(a) to require a participating school district to enter into, with the consortium, a written agreement that sets forth the payment terms and conditions. The written agreement must include, at a minimum, the date(s) payments are due from the participating district to the consortium and a provision stating that the participating school district and consortium shall abide by the requirements set forth at P.L. 2023, c. 326 and this subchapter.

The Department proposes N.J.A.C. 6A:27-14.3(b) to require a participating school district to document receipt and verify the accuracy of the Nonpublic School Transportation Applications submitted by the consortium, including the verification of each student's proof of residence and home-to-school mileage.

The Department proposes N.J.A.C. 6A:27-14.3(c) to require a participating district board of education to pay, to the consortium, the aid-in-lieu amount for all member nonpublic school students who are determined to be eligible for transportation based upon the date the participating district board of education receives the Nonpublic School Transportation Applications. The proposed rule requires the district to pay the full aid in lieu amount regardless of the actual cost of transportation, but will allow for an adjustment in the aid-in-lieu amount for applications that are received after the start of the school year.

The Department proposes N.J.A.C. 6A:27-14.3(d) to require a participating school district to notify the consortium by May 1 as to the determination of each Nonpublic School Transportation Application.

The Department proposes N.J.A.C. 6A:27-14.3(e) to require a participating school district to complete the District Report of Transported Resident Students (DRTRS) application for all students, including all students for whom the participating school district paid aid in lieu of transportation to the consortium. Proposed N.J.A.C. 6A:27-14.3(e)1 states that the subchapter shall not alter participating school district procedures for providing transportation or aid in lieu of transportation and for completing the DRTRS for all public school students and all students attending nonpublic schools that do not participate in the consortium program.

The Department proposes N.J.A.C. 6A:27-14.3(f) to require a participating school district to document receipt of the certified Commissioner-prescribed Nonpublic School Transportation Summary for all eligible students submitted in January and May for each respective semester.

The Department proposes N.J.A.C. 6A:27-14.3(g) to require a participating school district to collect and document receipt of the Nonpublic School Transportation Payment Voucher for all students who are eligible for first and/or second semester aid in lieu of transportation payments.

The Department proposes N.J.A.C. 6A:27-14.3(h) to require a participating school district to notify the consortium by May 15 if it will no longer participate in the consortium in the following school year.

The Department proposes N.J.A.C. 6A:27-14.3(i) to require a participating school district to maintain the documentation collected from the consortium as required in this section and as otherwise required by State laws, regulations, and guidance for the audit required pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.3(j) to require a participating school district to fully cooperate with the independent entity contracted by the consortium to audit the implementation of the program as required by P.L. 2023, c.326.

N.J.A.C. 6A:27-14.4 Responsibilities of the consortium

This section will establish the responsibilities of a nonpublic school transportation consortium, including requirements for establishing a consortium, procuring transportation

services for eligible students, documentation and reporting requirements, and measures to ensure accountability in the expenditure of public funds.

The Department proposes N.J.A.C. 6A:27-14.4(a) to require a consortium to form a nonprofit corporation in accordance with New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq., for the purpose of operating the business of the consortium and ensuring compliance with the obligations pursuant to P.L. 2023, c. 326 and the subchapter.

The Department proposes N.J.A.C. 6A:27-14.4(b) to require a consortium to enter into a written agreement with each participating school district. The agreement must specify the payment terms and conditions and include, at a minimum, the date(s) payments are due from the school district to the consortium.

The Department proposes N.J.A.C. 6A:27-14.4(c) to require a consortium to ensure transportation for member nonpublic school students is provided Monday through Friday between September 1 and June 30 when the member nonpublic schools are in session. This rule is consistent with N.J.A.C. 6A:27-2.1(f) regarding the transportation of all nonpublic school students.

The Department proposes N.J.A.C. 6A:27-14.4(d) to require a consortium to collect Nonpublic School Transportation Applications from member nonpublic schools on an annual basis and whenever a student is newly enrolled or has a change in address.

The Department proposes N.J.A.C. 6A:27-14.4(e) to require a consortium to ensure the accuracy of Nonpublic School Transportation Applications, including the students' one-way mileage from home to school and proof of residence, and to verify the students' proof of residence in accordance with the participating school district's policies and procedures. The Department proposes N.J.A.C. 6A:27-14.4(e)1 and 2 to ensure the documentation and method utilized by the consortium for verifying the accuracy of the information conforms with the participating school district's policies for such verifications.

The Department proposes N.J.A.C. 6A:27-14.4(f) to require a consortium to submit the original Nonpublic School Transportation Applications to the participating school district by April 10 of the preceding school year in which transportation is to be provided or within 30 days of a student's registration in the nonpublic school. The due date will provide school districts with time to review the applications before May 1, which is the date by which the school district must notify the consortium as to the determination of each Nonpublic School Transportation Application pursuant to N.J.A.C. 6A:27-14.3(d).

The Department proposes N.J.A.C. 6A:27-14.4(g) to require a consortium to provide proposed bus route designs to the nonpublic school administrators in sufficient time to permit the nonpublic school administrator to request a consultation regarding the designing of bus routes prior to the bidding process.

The Department proposes N.J.A.C. 6A:27-14.4(h) to require a consortium to advertise and receive bids for transportation services prior to making a determination whether to provide transportation or aid in lieu of transportation to an eligible student, except if transportation is provided through the renewal of an existing contract qualifying for renewal pursuant to N.J.S.A. 18A:39-3.

The Department proposes N.J.A.C. 6A:27-14.4(i) to require a consortium to notify parents or legal guardians by August 1 regarding the determination of each student's Nonpublic

School Transportation Application. This annual notification deadline will provide parents or legal guardians with an opportunity to arrange for alternative transportation, if necessary, prior to the start of the school year.

The Department proposes N.J.A.C. 6A:27-14.4(j) to require a consortium to submit, to the executive county superintendent, a copy of the specifications, contracts, contract renewals, and addenda review pursuant to N.J.A.C. 6A:27-9. The proposed subsection is consistent with requirements for the treatment of all transportation contracts.

The Department proposes N.J.A.C. 6A:27-14.4(k) to require a consortium to submit, to the participating school district, documentation that the procedures for bidding and contracting transportation services pursuant to N.J.A.C. 6A:27-9 were utilized.

The Department proposes N.J.A.C. 6A:27-14.4(l) to require a consortium to submit, to the participating school district, all reports, information, documents, and data necessary for the calculation of State transportation aid and nonpublic school transportation aid. The required information includes, but is not limited to, student information (that is, address, grade level, etc.), school of attendance, home-to-school mileage, and actual route costs for each student being transported by the consortium. The school district uses the data to apply to the Department for State aid for the transportation of eligible students.

The Department proposes N.J.A.C. 6A:27-14.4(m) to allow a consortium to expend, for administrative costs, up to six percent of the amount available pursuant to the consortium program. The allowance is authorized pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.4(n) to require a consortium to prepare the Nonpublic School Transportation Summary for all eligible students and to submit the form to each member nonpublic school administrator in January and May for certification of each respective semester. The use of the Nonpublic School Transportation Summary ensures that member nonpublic schools accurately account for student eligibility for transportation.

The Department proposes N.J.A.C. 6A:27-14.4(o) to require a consortium to submit, to the participating school districts, the certified Nonpublic School Transportation Summary for the school district's records.

The Department proposes N.J.A.C. 6A:27-14.4(p) to require a consortium to send Nonpublic School Transportation Payment Vouchers to the parent(s) or legal guardian(s) of each student who is eligible for aid in lieu of transportation payments in January and/or May. Proposed N.J.A.C. 6A:27-14.4(p)1 through 4 also require the consortium to do the following: 1) pay aid in lieu of transportation to the parent(s) or legal guardian(s) after receiving the signed voucher; 2) not pay aid in lieu of transportation if the signed voucher is returned after the end of the fiscal year by the parent(s) or legal guardian(s); 3) adjust the amount of aid in lieu of transportation when an application is received by the consortium after the start of the member nonpublic school's year or when a student withdraws from the member nonpublic school before the end of the school year; and 4) submit the original signed vouchers to the school district and retain copies for the consortium's records and the required audit.

The Department proposes N.J.A.C. 6A:27-14.4(q) to require a consortium to immediately notify the participating school district in writing when a student has a change in address or

withdraws from the member nonpublic school, and to collect and submit a new Nonpublic School Transportation Application whenever a student has a change in address.

The Department proposes N.J.A.C. 6A:27-14.4(r) to require a consortium to notify in writing the participating school district when there is a change in a member nonpublic school's location.

The Department proposes N.J.A.C. 6A:27-14.4(s) to require a consortium to submit to the oversight committee a monthly financial statement and a monthly report on the number of students receiving transportation services. The proposed subsection also will require the report to include, but not be limited to, the number of students receiving mandated transportation, mandated aid in lieu of transportation, and subscription transportation services.

The Department proposes N.J.A.C. 6A:27-14.4(t) to require a consortium to report on the consortium's operations at the oversight committee's quarterly meetings.

The Department proposes N.J.A.C. 6A:27-14.4(u) to require a consortium to provide, to participating school districts at the end of the school year, the following types of refunds: 1) a portion of the aid in lieu of transportation amount provided for nonpublic school students who did not receive transportation for the entire year, less the allowable administrative cost; 2) the aid in lieu payment received for any student who was eligible for aid in lieu but did not receive it due to the absence of a signed voucher, less the allowable administrative cost; and 3) a portion of the aid in lieu of transportation amount that exceeded the sum of the actual transportation cost for each mandated student and the allowable administrative cost.

The Department proposes N.J.A.C. 6A:27-14.4(v) to require a consortium to provide reports, information, documentation, and data necessary for the evaluation of the consortium program upon request by the Department, oversight committee, executive county superintendent, or the participating school district(s).

The Department proposes N.J.A.C. 6A:27-14.4(w) to require a consortium to implement internal controls to ensure the safeguarding of assets, compliance with State laws, regulations, and guidance, and accurate reporting of financial transactions in accordance with the written agreement(s) between the consortium and the participating school district(s).

The Department proposes N.J.A.C. 6A:27-14.4(x) to require a consortium to maintain all documentation required at N.J.A.C. 6A:27-14.4(a) through (v) or as otherwise required by State laws, regulations, and guidance. The documentation must be maintained for the annual audit and implementation report required pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.4(y) to require a consortium to annually contract with an independent entity to audit the implementation of the consortium program and to fully cooperate with the independent entity. The audit is required pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.4(z) to require a consortium to submit, to the Department, the independent entity's final audit for the prior school year no later than December 1 of each year, pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.4(aa) to require a consortium to provide, to the Department's Office of School Finance, a statement of assurance that the consortium is capable of complying with its transportation responsibilities, pursuant to P.L. 2023, c. 326.

N.J.A.C. 6A:27-14.5 Responsibilities of the member nonpublic school administrator

This section will establish the responsibilities of a member nonpublic school administrator, including requirements for collecting, reporting, and verifying student information. The proposed process is consistent with the process for non-member nonpublic school administrators who report directly to school districts rather than a consortium.

The Department proposes N.J.A.C. 6A:27-14.5(a) to require a member nonpublic school administrator to annually obtain the Nonpublic School Transportation Application and procedures from the Department's website.

The Department proposes N.J.A.C. 6A:27-14.5(b) to require a member nonpublic school administrator to distribute the Nonpublic School Transportation Application to the parent(s) or legal guardian(s) annually or when a student initially registers with a nonpublic school or has a change of address.

The Department proposes N.J.A.C. 6A:27-14.5(c) to require a member nonpublic school administrator to collect the Nonpublic School Transportation Application from the parent(s) or legal guardian(s) annually or when a student newly enrolls or has a change of address.

The Department proposes N.J.A.C. 6A:27-14.5(d) to require a member nonpublic school administrator to ensure the accuracy of the information contained in the completed Nonpublic School Transportation Application submitted for each student.

The Department proposes N.J.A.C. 6A:27-14.5(e) to require a member nonpublic school administrator to submit the completed Nonpublic School Transportation Application to the consortium within 30 days of the student's registration in the member nonpublic school and by March 15 of the proceeding school year in which the transportation is to be provided, or immediately upon a change in address.

The Department proposes N.J.A.C. 6A:27-14.5(f) to require a member nonpublic school administrator to submit a school calendar to the consortium by May 15 of the preceding school year for which transportation is being requested.

The Department proposes N.J.A.C. 6A:27-14.5(g) to require a member nonpublic school administrator to certify that the named students were enrolled for the first and/or second semester of the academic year. The proposed rule also requires the member nonpublic school administrator to use the Nonpublic School Transportation Summary provided by the consortium and to return the summary form at the time and in the manner prescribed by the consortium.

The Department proposes N.J.A.C. 6A:27-14.5(h) to require a member nonpublic school administrator to immediately notify the consortium when a student has a change of address or withdraws from the member nonpublic school, or when there is a change in a member nonpublic school's location.

N.J.A.C. 6A:27-14.6 Responsibilities of parents or legal guardians of member nonpublic school students

This section will establish the responsibilities of parents or legal guardians of member nonpublic school students. The proposed responsibilities are consistent with N.J.A.C. 6A:27-2.5,

which provides the responsibilities for parents or guardians of non-member nonpublic school students who report directly to school districts rather than a consortium.

The Department proposes N.J.A.C. 6A:27-14.6(a) to require parents or legal guardians of member nonpublic school students to complete the Nonpublic School Transportation Application and submit it to the member nonpublic school administrator along with proof of residence at the following times: 1) by March 10 of the preceding school year for which transportation is being requested; 2) at the time of registration with the member nonpublic school, if registration occurs after March 10; or 3) when a student has a change of address.

The Department proposes N.J.A.C. 6A:27-14.6(b) to require parents or legal guardians of member nonpublic school students who are eligible to receive aid in lieu of transportation to complete and sign the Commissioner prescribed voucher and submit it to the consortium.

The Department proposes N.J.A.C. 6A:27-14.6(c) to require parents or legal guardians of member nonpublic school students who are not eligible for transportation but are being transported by the consortium to pay, to the consortium, the actual per pupil cost of the route, including, but not limited to, the cost of fuel, driver safety, and insurance. The proposed rule also states that the payment shall not exceed the actual per pupil cost of the route.

N.J.A.C. 6A:27-14.7 Responsibilities of the consortium oversight committee

This section will establish the responsibilities of the consortium oversight committee.

The Department proposes N.J.A.C. 6A:27-14.7(a) to require the consortium oversight committee to meet quarterly in accordance with Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Proposed N.J.A.C. 6A:27-14.7(a)1 will require the quarterly meeting to include, but not be limited to, an agenda that provides time for public comment and a report from the consortium regarding the consortium's operations.

The Department proposes N.J.A.C. 6A:27-14.7(b) to require the consortium oversight committee to receive a monthly financial statement and report on the number of students receiving transportation services from the consortium.

The Department proposes N.J.A.C. 6A:27-14.7(c) to require the consortium oversight committee to monitor the consortium's and participating school district's compliance with the statement of assurances and the written agreement.

The Department proposes N.J.A.C. 6A:27-14.7(d) to require the consortium oversight committee to monitor the implementation of internal controls adopted by the consortium in accordance with N.J.A.C. 6A:27-14.4(w).

The Department proposes N.J.A.C. 6A:27-14.7(e) to require the consortium oversight committee to maintain documentation required pursuant to N.J.A.C. 6A:27-14.7(a), (b), or (c) or otherwise required by State laws, regulations, and guidance for the audits and implementation report required pursuant to P.L. 2023, c. 326.

The Department proposes N.J.A.C. 6A:27-14.7(f) to require the consortium oversight committee to cooperate with the independent auditor contracted for the purpose of auditing the implementation of the consortium program.

The Department proposes N.J.A.C. 6A:27-14.7(g) to require the consortium oversight committee to submit, to the executive county superintendent, written requests for a determination outlining a dispute about nonpublic school student transportation that arises between the consortium and a participating school district.

N.J.A.C. 6A:27-14.8 Responsibilities of the executive county superintendent

This section will require the executive county superintendent to review transportation contracts consistent in accordance with the requirements for all school districts in accordance with the requirements at N.J.A.C. 6A:27-9.9, as well as to make a determination about any dispute regarding nonpublic school student transportation that arises between the consortium and a participating school district. The section also states that determinations shall be appealable to the Commissioner in accordance with N.J.A.C. 6A:3, Controversies and Disputes.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates that the proposed amendments and new rules may have a limited social impact on the State. The proposed amendments and new rules may make it easier for district boards of education to provide transportation for students by allowing them to use existing staff as drivers, and by transferring existing school district responsibility of transporting nonpublic school students to an outside entity.

Economic Impact

The Department expects the proposed amendments and new rules may have a minimal economic impact by possibly increasing job opportunities through the creation of new nonprofit consortiums. The proposed new rules that permit district boards of education to designate personnel to transport students to and from school may result in cost savings to school districts, and the creation of new job opportunities within school districts. However, as school districts shift to utilizing more of the newly designated drivers, small businesses and/or contractors that currently provide the services at a higher cost may lose business. The proposed amendments and new rules reduce the responsibilities of school districts in providing transportation services for certain nonpublic school students by transferring that responsibility to an outside consortium.

Federal Standards Statement

The proposed 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 proposed amendments and new rules. The proposed amendments will not be inconsistent with or exceed Federal requirements or standards as the proposed amendments and new rules are consistent with existing requirements for school districts when providing transportation services to public and nonpublic school students.

Jobs Impact Statement

The Department anticipates that the proposed amendments and new rules may marginally increase jobs in the State through the establishment of new nonprofit nonpublic transportation consortia. New jobs may be created for the administration of the nonprofit entities as well as for drivers and other personnel necessary to maintain routine operations of the consortia. In addition, new jobs may be created or part-time jobs may be expanded to full-time if school districts choose to hire individuals to drive students to and from school pursuant to P.L. 2024, c. 81.

Agriculture Industry Impact

The proposed amendments and new rules will have no impact upon the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed amendments and new rules will not increase the existing reporting, recordkeeping, or other compliance requirements or place new requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules will impact district boards of education, nonprofit nonpublic schools, and nonprofit nonpublic school transportation consortia, charter and renaissance school projects boards of trustees, approved private schools for students with disabilities (APSSDs), and clinics and agencies. APSSDs and clinics and agencies could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules change the reporting requirements for member nonpublic schools so they will be reporting to the nonpublic school transportation consortium rather than directly to their local school district. However, the proposed rules do not alter the substance or timeline for nonpublic schools' existing reporting responsibilities. The proposed amendments related to school personnel designated to transport students to and from school will not impact APSSDs or clinics and agencies.

Housing Affordability Impact Analysis

There is an extreme unlikelihood that the proposed amendments and new rules will have any impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments and new rules will evoke a change in the average costs associated with housing because the proposed amendments and new rules concern the daily transportation operations of school districts and nonpublic school transportation consortia.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant to no impact on smart growth. There is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules apply only to the daily transportation operations of school districts and nonpublic school transportation consortia.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed amendments and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning

juveniles and adults in the State because the proposed amendments and new rules apply only to the transportation operations of school districts and nonpublic school transportation consortia. Accordingly, no further analysis is required.

Full text of the proposed amendments and new rules follows (additions indicated in boldface, **thus**; deletions indicated in brackets, [thus]):

Subchapter 2. Nonpublic School Transportation

6A:27-2.1 General Provisions

- (a) District boards of education shall provide nonpublic school transportation or aid in lieu of transportation 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, a renewal of an existing contract qualifying for renewal under N.J.S.A. 18A:39-3, or an agreement with another district board of education.
 - 2. Resident district boards of education that paid aid in lieu of transportation in the prior year, or have determined they cannot provide transportation for the ensuing school year, shall attempt to utilize one of the coordinated transportation services agencies (CTSAs) before paying aid in lieu of transportation.
 - 3. A resident district board of education that bids or coordinates nonpublic school transportation services with another district board of education shall consider the following criteria prior to determining the method of providing transportation services. The resident district board of education may also use additional criteria.
 - 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 school 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 district board of education 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 Department will publish on its website the following Commissioner-prescribed forms: a Nonpublic School Transportation Application, Nonpublic School Transportation Payment Voucher, and Nonpublic School Transportation Certification. The Department will update the application, voucher, and certification as necessary.
- (d) The resident district board of education is not required to pay aid in lieu of transportation when the parent(s) or legal guardian(s) of a nonpublic school student returns a signed Nonpublic School Transportation Payment Voucher after the end of the fiscal year.
- (e) 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 CTSA.
- (f) 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.
- (g) Nonpublic school administrators shall submit all Nonpublic School Transportation Applications to the resident district board of education no later than March 15 **for the**

subsequent school year. Eligible students shall receive transportation or aid in lieu of transportation based upon the date the resident district board of education receives the Nonpublic School Transportation Applications.

- (h) The payment of aid in lieu of transportation [may] **shall** be [adjusted] **prorated** when the Nonpublic School Transportation Application 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. **Any proration shall be determined based on the date that the application was received or the date that the student withdrew, as applicable, and the last day of the school year.**

Subchapter 7. Vehicle Use and Standards

6A:27-7.6 [Transportation to and from school-related activities] **Exceptions for transportation in certain vehicles**

- (a) Private vehicles with a capacity of eight or fewer passengers may be used for the transportation of students to and from school-related activities, in accordance with policies and regulations adopted by the district board of education. The policies and regulations shall clearly stipulate procedures for the safe transportation of students in private vehicles, including provisions for appropriate and adequate insurance coverage of private vehicles and the approval of activities and drivers.
- (b) **A district board of education may designate school personnel who are not licensed as school bus drivers to transport students between home and school in a private or district-owned vehicle with a capacity of eight or fewer passengers, excluding the driver, provided the designated school personnel meet the criteria and requirements at (c) and (d) below.**

[[i.]] *1.* For purposes of this section, “school personnel” means any person employed by **[[the]] *a*** district board of education.

(c) Any district board of education designating personnel pursuant to (b) above shall establish policies and procedures that require the designated school personnel to meet, at a minimum, the following criteria pursuant to N.J.S.A. 18A:39-20.1:

- 1.** Be at least 21 years of age;
- 2.** Possess a valid New Jersey driver’s license for a minimum of three years;
- 3.** Have completed, within the past year, a physical examination pursuant to N.J.S.A. 18A:16-2, a copy of which is on file with the district board of education;
- 4.** Have completed, within the past year, a criminal history background check pursuant to N.J.S.A. 18A:6-7.1;
- 5.** Have completed, within the past year, a Child Abuse Record Information (CARI) check that demonstrates no evidence of abuse;
- 6.** Have submitted, to the district board of education, a driver history abstract that demonstrates evidence of no alcohol- or drug-related motor vehicle violations in the past five years;
- 7.** Provide written consent to allow the district board of education to conduct monthly motor vehicle record checks pursuant to N.J.S.A. 39:2-3.4.c; and
- 8.** Have completed the training required pursuant to N.J.S.A. 18A:39-19.1a.c and 19.2.

(d) No later than July 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.** A list of school personnel who have been designated to provide student transportation between home and school;

2. A copy of each designated individual's driver history abstract documenting that, in the previous five years, the individual has not committed an alcohol- or drug-related motor vehicle violation or any other motor vehicle violation that would disqualify the individual from transporting students pursuant to Title 18A or Title 39 of the New Jersey Statutes; and
 3. Documentation of automobile liability insurance for bodily injury and property damage in an amount in accordance with N.J.A.C. 6A:27-1.6(a).
- (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 required at (d) above or if the list is not provided to the executive county superintendent by the July 15 due date.
 - (f) An individual designated by a district board of education to transport students between home and school pursuant to (b) above shall immediately notify the district board of education of any alcohol- or drug-related motor vehicle violation, or any other motor vehicle violation that would disqualify the individual from transporting students pursuant to Title 18A or Title 39 of the New Jersey Statutes, if the violation occurs in the current school year during which the individual has been designated to transport students between home and school.
 - (g) A district board of education that designates school personnel pursuant to (b) above shall access, on a monthly basis, each designated individual's driving record to ensure the individual has not committed a disqualifying offense.
 - (h) A district board of education that discovers that a designated individual has committed a disqualifying offense pursuant to Title 18A or Title 39 of the New Jersey Statutes shall immediately notify the executive county superintendent of the offense and shall immediately remove the individual from the list of designated drivers.

- (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) Any vehicle used to transport students only pursuant to (a) or (b) above shall be exempt from the requirements at N.J.A.C. 6A:27-7.1, 7.2(a), 7.4, 7.9, and 11.1.**
- (k) Any individual designated by a district board of education to transport students only between home and school pursuant to this section shall be exempt from the requirements at N.J.A.C. 6A:27-11.2, 11.3, and 12.1 except as set forth at N.J.A.C. 6A:27-7.6.**

Subchapter 14. Consortium of Nonpublic Schools

6A:27-14.1 General provisions

- (a) This subchapter provides procedures for implementing the nonpublic school consortium transportation program established pursuant to P.L. 2023, c. 326. This subchapter sets forth the requirements and responsibilities for school districts, nonpublic schools, and nonpublic school consortiums in providing mandated and subscription transportation services and aid in lieu of transportation in accordance with N.J.S.A. 18A:39-1 et seq. for all students who are registered in, and attending, nonpublic schools that are participating members of a nonpublic school consortium transportation program authorized pursuant to P.L. 2023, c. 326. As stipulated at P.L. 2023, c. 326, the nonpublic school consortium transportation program expires January 16, 2027.**
- (b) The following words and terms shall have the following meanings when used in this subchapter:**
 - “Consortium” means as defined at Section 1 of P.L. 2023, c. 326.**
 - “Member nonpublic school” means a nonpublic school that is participating in the consortium and is not operated for profit, in whole or in part.**

“Nonpublic school consortium transportation program” or “consortium program” means the program established pursuant to P.L. 2023, c. 326 for the purpose of providing transportation services to nonpublic school students.

“Oversight committee” means the group consisting of five members appointed by the Commissioner in accordance with section i. of P.L. 2023, c. 326 to oversee the consortium’s operations in implementing the consortium program.

“Participating school district” means a school district for which the district board of education has agreed to participate in the consortium.

“Subscription transportation services” means transportation services provided to nonpublic school students in accordance with N.J.A.C. 6A:27-14.2(b).

- (c) The Department will publish on its website the following Commissioner-prescribed forms: a Nonpublic School Transportation Application, Nonpublic School Transportation Payment Voucher, and Nonpublic School Transportation Summary. The Department will update the application, voucher, and summary certification as necessary.**

6A:27-14.2 Nonpublic student transportation eligibility requirements

- (a) The consortium shall provide transportation or aid in lieu of transportation to students who are enrolled in a member nonpublic school and who are eligible to be transported pursuant to N.J.S.A. 18A:39-1 et seq. by a participating school district.**
- (b) The consortium may provide subscription transportation services under the following conditions to students who are enrolled in member nonpublic schools but are not eligible to be transported by a participating school district pursuant to N.J.S.A. 18A:39-1:**
 - 1. The student does not live more than 20 miles from the member nonpublic school; and**

2. Pursuant to section 1.b(2) of P.L. 2023, c. 326, the student's parent(s) or guardian(s) agrees to pay, to the consortium, the actual route cost for the student, including, but not limited to, the cost of fuel, driver salaries, and insurance. The payment shall not exceed the actual per pupil cost of the route.

6A:27-14.3 Responsibilities of a participating school district

- (a) A participating school district shall enter into, with the consortium, a written agreement that sets forth the process and schedule for disbursement of funds. The written agreement shall include, at a minimum, the following:
 1. Date(s) payments are due from the participating school district to the consortium;
 2. A provision stating that the participating school district and consortium shall abide by the requirements set forth at P.L. 2023, c. 326 and this subchapter.
- (b) A participating school district shall document receipt of the Nonpublic School Transportation Applications submitted by the consortium and shall determine each student's eligibility for mandated transportation services by verifying the following in accordance with the participating school district's policies and procedures:
 1. Each student's proof of residence; and
 2. Each student's home-to-school mileage.
- (c) A participating district board of education shall pay, to the consortium in accordance with the payment schedule established in the agreement at (a) above, an amount equal to the aid in lieu of transportation amount for each student the school district determines is eligible for transportation based upon the date the participating district board of education receives from the consortium the Nonpublic School Transportation Applications.

- (d) A participating school district shall notify the consortium by May 1 of each year as to the determination of each Nonpublic School Transportation Application for the subsequent school year.**
- (e) The participating school district shall complete the District Report of Transported Resident Students (DRTRS) application and include all students for whom the participating school district paid aid in lieu of transportation to the consortium.**

 - 1. This subchapter shall not alter participating school district procedures for providing transportation or aid in lieu of transportation and for completing the DRTRS for all public school students and all students attending nonpublic schools that do not participate in the consortium program.**
- (f) A participating school district shall document receipt, from the consortium, of the certified Commissioner-prescribed Nonpublic School Transportation Summary for all eligible students submitted in January and May for each respective semester.**
- (g) The participating school district shall document receipt, from the consortium, of the original Commissioner-prescribed Nonpublic School Transportation Payment Voucher signed by the parent(s) or legal guardian(s) of a student who is eligible to receive first and/or second semester aid in lieu of transportation payments.**
- (h) The participating school district shall notify the consortium by May 15 if it will no longer participate in the consortium in the following school year.**
- (i) The participating school district shall maintain all documentation listed in this section or otherwise required by the State laws, regulations, and guidance for the audit required pursuant to P.L. 2023, c. 326.**
- (j) The participating school district shall fully cooperate with the independent entity contracted by the consortium to audit the implementation of the program, pursuant to P.L. 2023, c. 326.**

6A:27-14.4 Responsibilities of the consortium

- (a) The consortium shall form a nonprofit corporation organized in accordance with the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq., for the purpose of operating the business of the consortium and ensuring compliance with the consortium's obligations pursuant to P.L. 2023, c. 326, and this subchapter.**
- (b) The consortium shall enter into, with each participating school district, a written agreement that sets forth the payment terms and conditions. The written agreement shall include, at a minimum, the date(s) payments are due from the participating school district to the consortium.**
- (c) The consortium shall ensure that transportation for member nonpublic school students is provided Monday through Friday between September 1 and June 30 when the member nonpublic schools are in session.**
- (d) The consortium shall collect the Nonpublic School Transportation Applications from the member nonpublic schools on an annual basis and whenever a student is newly enrolled or has a change in address.**
- (e) The consortium shall ensure the accuracy of the information contained in each Nonpublic School Transportation Application, including the one-way mileage from a student's home to the member nonpublic school, and shall verify the students' proof of residence in accordance with the participating school district's policies and procedures.**
 - 1. Documentation required for a student's proof of residence shall be consistent with the documentation required by the participating school district's policy on determining student residency, which may include copies of a utility bill, real property rental agreement, real estate tax bill, mortgage document, or vehicle registration.**

2. The method used by the consortium to verify the student's home-to-school mileage pursuant to (e) above shall comport with the method used by the participating school district.
- (f) The consortium shall submit, in the manner prescribed by the participating school district and set forth in the written agreement entered into pursuant to N.J.A.C. 6A:27-14.3(a), the original Nonpublic School Transportation Applications to the participating school district by April 10 of the preceding school year in which transportation is to be provided or within 30 days of a student's registration in the nonpublic school.
 - (g) The consortium shall provide, to the nonpublic school administrator(s), the proposed bus route designs in sufficient time to permit the nonpublic school administrator(s) to request a consultation with the consortium regarding the design of the bus routes prior to finalizing the designs and advertising for bids.
 - (h) Prior to making a determination whether to provide transportation or aid in lieu of transportation to an eligible student, the consortium shall advertise and receive bids for the transportation of all eligible member nonpublic school students.
 1. The consortium shall not be required to bid for nonpublic school services when transportation is provided through the renewal of an existing contract qualifying for renewal pursuant to N.J.S.A. 18A:39-3.
 - (i) The consortium shall notify by August 1 of each year the parent(s) or legal guardian(s) of the member nonpublic school student as to the determination of the student's Nonpublic School Transportation Application.
 - (j) The consortium shall submit, to the executive county superintendent of each participating school district, a copy of the specifications, contracts, contract renewals, and addenda review, pursuant to N.J.A.C. 6A:27-9.

- (k) The consortium shall submit, to the participating school district, documentation showing that the procedures for bidding and contracting transportation services pursuant to N.J.A.C. 6A:27-9 were utilized.**
- (l) The consortium shall submit, to the participating school district, all reports, information, documentation, and data necessary for the calculation of State transportation aid and nonpublic transportation aid, including, but not limited to, student information (that is, address, grade level, etc.), school of attendance, home-to-school mileage, and actual route costs for each student being transported by the consortium.**
- (m) The consortium may expend, for administrative costs, up to six percent of the amount available pursuant to the consortium program.**
- (n) The consortium shall prepare the Commissioner-prescribed Nonpublic School Transportation Summary for all eligible students and shall submit the form to each member nonpublic school administrator in January and May for certification of each respective semester.**
- (o) The consortium shall submit the certified Nonpublic School Transportation Summary to the participating school districts in the manner prescribed by the participating school districts.**
- (p) The consortium shall send the Commissioner-prescribed Nonpublic School Transportation Payment Voucher to the parent(s) or legal guardian(s) of each student who is eligible to receive an aid in lieu of transportation payment in January and/or May.**

 - 1. After receiving the signed voucher, the consortium shall pay aid in lieu of transportation to the student's parent(s) or legal guardian(s).**
 - 2. When the parent(s) or legal guardian(s) of a member nonpublic school student returns a signed voucher after the end of the fiscal year, the consortium shall not pay aid in lieu of transportation.**

3. The payment amount for aid in lieu of transportation shall be adjusted when the Nonpublic School Transportation Application is received by the consortium after the start of the member nonpublic school's year, or when the student withdraws from the member nonpublic school before the close of the school year.
 4. The consortium shall submit to the participating district board of education the original signed voucher in the manner prescribed by the participating school district and shall retain a copy for the consortium's records and for the audit required pursuant to P.L. 2023, c. 326.
- (q) The consortium shall immediately notify, in writing, the participating school district(s) when a student has a change in address or withdraws from the member nonpublic school. Whenever a student has a change in address, the consortium shall collect a new Nonpublic School Transportation Application and shall submit it to the affected participating school district(s).
 - (r) The consortium shall immediately notify in writing the participating school district when there is a change in a member nonpublic school's location.
 - (s) The consortium shall submit to the oversight committee a monthly financial statement and a monthly report on the number of students receiving transportation services. The report shall include, but not be limited to, the number of students receiving mandated transportation, mandated aid in lieu of transportation, and subscription transportation services.
 - (t) The consortium shall report on the consortium's operations at the oversight committee's quarterly meeting.
 - (u) After the completion of each school year, the consortium shall refund to the participating school district(s), the following:

- 1. The portion of the aid in lieu of transportation amount provided by each participating school district to the consortium for a nonpublic school student who did not receive transportation for the entire year, less the allowable amount, up to six percent, for administrative costs;**
 - 2. The aid in lieu payment received for any student who is eligible for aid in lieu of transportation, but who did not receive the aid in lieu due to the absence of a signed voucher, less the allowable amount, up to six percent, for administrative costs; and**
 - 3. The portion of the aid in lieu of transportation amount provided by each participating school district that exceeded the sum of the actual transportation cost for each mandated student and the allowable amount, up to six percent, for administrative costs.**
- (v) The consortium shall provide all reports, information, documentation, and data necessary for the evaluation of the consortium program upon request by the Department, oversight committee, executive county superintendent, or the participating school district.**
- (w) The consortium shall implement internal controls to ensure the assets under the control of the consortium are used to further the purpose consortium program, compliance with State laws, regulations, and guidance, and accurate reporting of financial transactions in accordance with the agreement(s) between the consortium and the participating school district(s) required at (a) above.**
- (x) The consortium shall maintain, for the audits and implementation report required pursuant to P.L. 2023, c. 326, all documentation required at (a) through (v) above or otherwise required by State laws, regulations, and guidance.**

- (y) The consortium shall annually contract with an independent entity to audit the implementation of the consortium program and shall fully cooperate with the independent entity.**
- (z) The consortium shall submit, to the Department, the independent entity's final audit for the prior school year no later than December 1 of each year.**
- (aa) The consortium shall provide, to the Department's Office of School Finance, a statement of assurances that the consortium is capable of complying with its transportation responsibilities pursuant to P.L. 2023, c. 326, and this subchapter.**

6A:27-14.5 Responsibilities of the member nonpublic school administrator

- (a) The member nonpublic school administrator shall annually obtain, from the Department's website, the Nonpublic School Transportation Application and procedures.**
- (b) The member nonpublic school administrator shall distribute the Nonpublic School Transportation Application to the parent(s) or legal guardian(s) of students on an annual basis, upon a student's initial registration in the nonpublic school, and whenever a student has a change of address.**
- (c) The member nonpublic school administrator shall collect the Nonpublic School Transportation Application from the student's parent(s) or legal guardian(s) annually or whenever a student newly enrolls or has a change in address.**
- (d) The member nonpublic school administrator shall ensure the accuracy of the information contained in the completed Nonpublic School Transportation Application submitted for each student.**
- (e) The member nonpublic school administrator shall submit the completed Nonpublic School Transportation Application to the consortium within 30 days of the student's**

registration in the member nonpublic school, and by March 15 of the preceding school year in which transportation is to be provided, or immediately upon a change in address.

- (f) The member nonpublic school administrator shall submit the school calendar to the consortium by May 15 of the preceding school year for which transportation is being requested.
- (g) Using the Commissioner-prescribed Nonpublic School Transportation Summary provided by the consortium, the member nonpublic school administrator shall certify that the named students were enrolled for the first and/or second semesters of the academic year. The member nonpublic school administrator shall return, to the consortium, the certified Nonpublic School Transportation Summary at the time and in the manner prescribed by the consortium.
- (h) The member nonpublic school administrator shall immediately notify the consortium, in writing, when a student has a change in address or withdraws from the member nonpublic school, or when there is a change in a member nonpublic school's location.

6A:27-14.6 Responsibilities of the parents or legal guardians of member nonpublic school students

- (a) To receive transportation services from the consortium, the parent(s) or legal guardian(s) of a member nonpublic school student shall submit a completed Nonpublic School Transportation Application, along with documentation required for a student's proof of residence, to the member nonpublic school administrator at the following times:

 - 1. By March 10 preceding the school year for which transportation is being requested;
 - 2. At the time of registration in the nonpublic school, if registration occurs after March 10; and
 - 3. Whenever the student has a change of address.

- (b) The parent(s) or legal guardian(s) of the member nonpublic school student eligible to receive aid in lieu of transportation shall complete and sign a Nonpublic School Transportation Payment Voucher and shall submit it to the consortium in the manner prescribed by the consortium.**
- (c) The parent(s) or legal guardian(s) of the member nonpublic school student who is not eligible for transportation pursuant to N.J.S.A. 18A:39-1 but is being transported pursuant to N.J.A.C. 6A:27-14.2(b) shall pay, to the consortium, the actual per pupil cost of the route, including, but not limited to, the cost of fuel, driver salary, and insurance. The payment shall not exceed the actual per pupil cost of the route.**

6A:27-14.7 Responsibilities of the consortium oversight committee

- (a) The consortium oversight committee shall meet quarterly in accordance with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.**

 - 1. The quarterly meeting shall include, but not be limited to, an agenda that provides time for public comment and a report from the consortium regarding the consortium's operations.**
- (b) The consortium oversight committee shall receive a monthly financial statement and report on the number of students receiving transportation services from the consortium.**
- (c) The consortium oversight committee shall monitor the consortium's and participating school district's compliance with the terms of the Commissioner-prescribed consortium statement of assurances, pursuant to Section 1.e of P.L. 2023, c. 326 and N.J.A.C. 6A:27-14.4(aa), and the agreement between the participating school district and consortium, pursuant to N.J.A.C. 6A:27-14.6(a).**
- (d) The consortium oversight committee shall monitor the implementation of internal controls adopted by the consortium in accordance with N.J.A.C. 6A:27-14.4(w).**

- (e) The consortium oversight committee shall maintain all documentation required at (a), (b), and (c) above or otherwise required by State laws, regulations, and guidance for the audits and implementation report required pursuant to P.L. 2023, c. 326.**
- (f) The consortium oversight committee shall fully cooperate with the independent entity contracted by the consortium for the purpose of auditing the implementation of the consortium program pursuant to P.L. 2023, c. 326.**
- (g) If a dispute about nonpublic school student transportation arises between the consortium and a participating school district, the consortium oversight committee shall submit, to the executive county superintendent(s) of the participating school district(s), written requests for a determination outlining the matter in dispute.**

6A:27-14.8 Responsibilities of the executive county superintendent

- (a) The executive county superintendent shall review transportation contracts for transporting students in participating school districts within the county in accordance with the requirements for all school districts at N.J.A.C. 6A:27-9.9.**
- (b) The executive county superintendent shall make a determination as to any dispute about member nonpublic school student transportation that arises between the consortium and a participating school district within the county. Any such determinations shall be appealable to the Commissioner of Education in accordance with N.J.A.C. 6A:3.**