

Education

State Board of Education

Student Transportation

Readoption with Amendments: N.J.A.C. 6A:27

Adopted New Rules: N.J.A.C. 6A:27-7.14, 11.5, and 12.4

Proposed: September 21, 2020, at 52 N.J.R. 1730(a).

Adopted: January 6, 2021, by the New Jersey State Board of Education, Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education, and Acting Secretary, State Board of Education.

Filed: January 7, 2021, as R.2021 d.011, **without change**.

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:39-21, 18A:39-24, and 18A:39-33.

Effective Dates: January 7, 2021, Readoption.

February 1, 2021, Amendments and New Rules.

Expiration Date: January 7, 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. James M. Heiser, Business Administrator, Moorestown Board of Education
 2. Jean Public
 3. Jonathan Pushman, Government Relations, New Jersey School Boards Association
1. Comment: The commenter expressed support for the proposed amendments at N.J.A.C. 6A:27-6.5, which clarifies that, in the case of shared custody students, the resident district

board of education's responsibility is limited to transporting students from only one residence even if shared custody students reside in more than one home. The commenter stated that transporting students to multiple residences is a logistical challenge and exposes school districts to lawsuits. The commenter also stated that the proposal will help school districts better enforce one pick-up point and one drop-off point that is not dependent on the day of the week. (1)

Response: The Department thanks the commenter for the support.

2. Comment: The commenter expressed concern with speeding and other driving violations on public roads that impact the safety of transportation for students. The commenter expressed support for the "2 mile idea" but stated that attention must be paid to particular routes. The commenter stated that students should be protected and busing from far distances is necessary. (2)

Response: The Department thanks the commenter for drawing attention to transportation safety; however, traffic safety is not within the scope of the readoption with amendments.

The amendments at N.J.A.C. 6A:27, are designed to enhance the ability of school districts to ensure the safe transportation of students and to clarify existing rules for the benefit of students, school districts, and school bus contractors. The governing statute, N.J.S.A. 18A:39-1, sets the distances that determine student eligibility for student transportation, including the requirement that elementary school pupils who reside more than two miles from their school of attendance qualify for transportation. N.J.A.C. 6A:27 reiterates the statutory requirements.

3. Comment: The commenter stated that district boards of education should provide conditions and establish policies that will ensure the health and safety of students. (3)

Response: The Department agrees with the commenter. The amendments are designed to enhance the ability of school districts to ensure the safe transportation of students and to clarify existing rules for the benefit of students, school districts, and school bus contractors. In particular, new N.J.A.C. 6A:27-11.1(c) will require district boards of education to develop a policy to ensure that school administration conducts ongoing random checks of school bus transportation operations. The new subsection codifies best practices by school districts to ensure that school bus drivers and vehicles have the appropriate documentation in place and that there are no visible defects to the school bus.

4. Comment: The commenter stated that bus drivers should have background checks performed by State and Federal authorities whenever an individual applies for or renews a bus driver license. (3)

Response: The comment is outside the scope of this rulemaking, as N.J.A.C. 6A:27 does not govern the licensing of school bus drivers, which is regulated by the New Jersey Motor Vehicle Commission (NJMVC). However, the Department notes that N.J.S.A. 18A:39-19.1 already requires the submission of a request for a criminal history record check or check for alcohol and drug-related motor vehicle violations both “prior to employment as a school bus driver” and “upon application for renewal of a school bus driver’s license.” N.J.A.C. 6A:27-12.1(b) also requires that anyone driving a school vehicle used to transport students to and from school and school-related activities shall meet all requirements of multiple State statutes, including N.J.S.A. 18A:39-19.1. New

N.J.A.C. 6A:27-12.1(i) will require employers to notify each school bus aide and mobility vehicle assistant technician when the criminal history background check becomes due, which will ensure that school bus aides and mobility assistance technicians are aware when qualification requirements are due and will encourage the individuals to complete the requirements in a timely manner.

5. Comment: The commenter expressed support for the proposed rules that implement State laws that improve school transportation safety, including: P.L. 2018, c. 151, which established additional licensing requirements for school bus drivers; P.L. 2018, c. 152, which requires notification that a bus driver with a revoked or suspended license is no longer operating a school bus; P.L. 2018, c. 159, which requires school bus operations in New Jersey to comply with Federal regulations; P.L. 2018, c. 160, which established training requirements for school bus drivers and aides; P.L. 2019, c. 57, which provides for a mandatory list of students on school buses for school-sponsored activities; and P.L. 2019, c. 24, which established a transportation safety study. (3)

Response: The Department thanks the commenter for the support.

Federal Standards Statement

The rules readopted with 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 rules readopted with amendments and new rules.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:27.

Full text of the adopted amendments and new rules follows:

Text