**FREQUENTLY ASKED QUESTIONS:**

Office of Student Transportation:

**Q. Who must be transported?**

A. In accordance with state law, *N.J.S.A.* 18A:39-1, all public elementary school students (grades K-8) who live more than two miles from their school and all public secondary school students (grades 9-12) who live more than two-and-a-half miles from their school are entitled to transportation. These students are said to live "remote from school." Whenever a school district is required to provide transportation to students attending regular public school programs, students attending nonpublic schools who meet those distance requirements may also be entitled to transportation services. In addition, any student classified with special needs who either meets these distance requirements or for whom transportation is required in the student's *Individual Education Plan* must be transported.

**Q. Are there any limits on nonpublic school transportation?**

Yes, there are several limits on nonpublic school transportation. They are:

* The school must be a nonprofit school;
* The school must be located within the state, except for certain counties of the third class (Warren);
* The school may be located no more than twenty miles from the student's home;
* The cost of the transportation may not exceed the annual maximum expenditure set by law each year ($1,000 for the 2019-2020 school year);
* Students must be in grades kindergarten through grade 12; and
* Students must meet the entrance age requirements for students in the resident public school district.

If the cost of the transportation to be provided to the nonpublic school student will exceed the annual maximum expenditure, the school district cannot provide the transportation but instead pay the student's parent or legal guardian the maximum expenditure amount. The maximum expenditure for the transportation of nonpublic school students cannot exceed $1,000 for the 2019-2020 school year.

In the 2019-2020 school year, transportation services are also extended to students living in third-class counties or second-class counties with a population of less than 235,000 who reside no more than 30 miles from their nonpublic schools located within the state. This applies to Cumberland, Gloucester, Hunterdon, Salem, Sussex and Warren counties.

**Q. Is it a district's responsibility to provide transportation for students who live less than remote from school when hazardous road conditions exist?**

A. Boards of education are not required by law to provide busing for students who live less than remote from school even for safety reasons. However, boards are permitted, at their own discretion and expense, to provide transportation for students who reside less than remote from school and may charge the student's parents or legal guardians for this service. Municipalities may also contract with boards of education for this service and charge the parents. This transportation service is called *Subscription Busing*.

**Q. Where can I purchase subscription busing?**

A. Subscription busing may be purchased from your own school district, another school district transporting students to that school, or a coordinating transportation services agency (CTSA) providing busing to that school. A board of education or CTSA may provide this service at its discretion.

**Q. Who is responsible for safe travel along public roadways or walkways?**

A. Case law has long held that safety along public roadways and walkways is a municipal responsibility. It is for this reason that municipalities install sidewalks, traffic signals and signs, and paint crosswalks. Pursuant to section 40A:9-154.1 of New Jersey statute, school crossing guards are appointed by the municipality and are under the supervision of the chief of police or other chief law enforcement officer.

**Q. How long may a school bus be used to transport students in New Jersey?**

A. Some school buses can be used for 12 years from the date of manufacture or the end of the school year in which that date occurs. Some school buses, other than those of the transit type with a gross vehicle weight exceeding 25,000 pounds, can be used for 15 years from the date of manufacture or the end of the school year in which that date occurs provided the school bus meets certain emission standards. School buses of the transit type with a gross vehicle weight exceeding 25,000 pounds may be used for 20 years from the date of manufacture or the end of the school year in which that date occurs. If you have questions about which category a school vehicle falls into, please contact the School Bus Inspection Unit at the Motor Vehicle Commission.

**Q. Are school buses required to be equipped with passenger seat belts?**

A. All vehicles manufactured after October 1992 are required to be equipped with lap-type seat belts or other child restraint systems.  As of September 2013, all school buses without seat belts that were grandfathered under this law are out of service.  Consequently, all school buses currently in use are required to be equipped with passenger seat belts.

**Q. What is being done to ensure that students are safely transported to and from school?**

A. School buses are inspected at least twice each year by special school bus inspection teams from the New Jersey Motor Vehicle Commission.
School bus drivers are required to hold a commercial driver's license (CDL) with a passenger and school bus endorsement, and, therefore, are also required to meet federal standards for alcohol and drug testing. The standards include testing upon initial employment followed by random tests. In addition, school bus drivers must undergo a physical examination every two years, a criminal background check upon initial employment and at the time of renewal of their CDL, and submit an annual driver's abstract (i.e., a history of motor vehicle violations).

**Q. Who is required to complete the school bus driver and aide training for interacting with students with disabilities?**

A. All school bus drivers and school bus aides employed by a board of education or a contractor that provides student transportation services under a contract with a board of education.

**Q. What is a "Student Information Card?"**

A. The student information card includes information that should be readily available to a school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs.

The parent/guardian of a student with an individualized education program (IEP) will complete the student information card when the IEP is developed or amended for a student who receives transportation services. Upon receiving consent from a student's parent/guardian, the school district must provide a copy of the completed student information card to the school bus driver and/or school bus aide for each student on the bus route to which the school bus driver or school bus aide is assigned and for whom a student information card has been completed by the parent/guardian.

**Q: Where do I maintain the "Student Information Card?"**

1. The card should be kept in a location that is readily available to a school bus driver and school bus aide.

National Highway Traffic Safety Administration:

**Q: What is a school bus?**

A: For the purposes of NHTSA’s school bus regulations, a school bus is a “bus” that is sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events. A bus is a motor vehicle that has capacity of 11 or more people (including the driver). This definition can include vans, but does not include buses operated as common carriers in urban transportation.

The National Traffic and Motor Vehicle Safety Act (Safety Act) requires any person selling or leasing a new school bus to sell or lease a bus that meets all FMVSSs applicable to school buses.

In addition to NHTSA’s federal definition of school bus, a state or school district may have a definition for school bus that differs from NHTSA’s definition, but that would not affect NHTSA’s requirements. The state definition determines which vehicles are subject to the state operational requirements for school buses. The definition for NHTSA’s school bus regulations, which determines whether a new bus sold or leased for pupil transportation must be certified as meeting federal school bus standards, is unaffected by state definitions.

**Q: What is a multifunction school activity bus?**

A: Under NHTSA’s regulations, a multifunction school activity bus (MFSAB) is defined as “a school bus whose purposes do not include transporting students to and from home or school bus stops.” An MFSAB must meet all FMVSSs applicable to school buses except those requiring the installation of traffic control devices (flashing lights and stop arms). If a new school bus will not be used to transport students to and from home or school bus stops, an MFSAB may be sold. If a new school bus will be used to transport students between school and home, or between school and school bus stops, an MFSAB must not be sold.

**Q: What is a school, for the purposes of NHTSA’s school bus regulations?**

A: The Safety Act defines a school bus as a bus that is likely to be used significantly to transport preprimary, primary, or secondary students to or from school or related events. Based on this definition, NHTSA considers any preprimary, primary, or secondary school a “school” for purposes of NHTSA’s school bus regulations.

NHTSA interprets “school” in the context of its regulations not to include daycares, childcare centers, or preschools, including Head Start Programs. NHTSA does not regulate, under our school

bus regulations, the types of vehicles that may be sold for the purpose of transporting children to and from these facilities. In addition, organizations providing religious instruction, such as Sunday school, are not considered “schools” under NHTSA’s school bus regulations. Athletic teams that have no connection with a school are also not considered schools.

**Q: What is a school-related event, for the purposes of NHTSA’s school bus regulations?**

A: A school-related event is any activity sponsored by a school, whether on or off school grounds. These may include, but are not limited to, sports events, band concerts, field trips, and competitions such as debate or chess tournaments. Athletic teams that have no connection with a school are also not considered schools.

**Q: When are you required to use a school bus?**

A: Federal law regulates the manufacture and sale of new vehicles, but does not regulate vehicle use. Each state has the authority to determine how school children must be transported. State law should be consulted for determining use requirements.

Liability for using a non-complying bus to transport students is a matter addressed by state law. Schools, school districts, and other student transportation providers should consult their attorneys or insurance carriers regarding liability concerns.

While NHTSA does not regulate vehicle use, NHTSA has issued recommendations for states on various operational aspects of school bus and pupil transportation safety programs. Highway Safety Program Guideline No. 17, Pupil Transportation Safety, recommends that school children be transported to and from school and related events in school buses. Each state decides to what extent it will follow Guideline No. 17.

**Q: May schools purchase or lease new 15-passenger vans?**

A: The Safety Act prohibits a school or school system from purchasing or leasing a new 15-passenger van if it will be used significantly by or on behalf of the school or school system to transport preprimary, primary, or secondary school students to or from school or related events, unless the van complies with FMVSSs prescribed for school buses or MFSABs. A school in violation of this requirement may be subject to substantial civil penalties under the Safety Act.

**Q: How do NHTSA’s school bus regulations apply to vehicle dealers?**

A: NHTSA’s school bus regulations require that if a new bus that is likely to be used significantly to transport preprimary, primary, or secondary school students to or from school or school-related events is sold, it must be certified to the federal school bus safety standards. Persons People selling or leasing a new school bus must sell or lease a bus meeting the federal school bus safety standards.

If a dealer sells or leases a vehicle that does not meet the federal school bus safety standards, and the dealer knows or has reason to know that the bus was to be used significantly to transport students, the dealer may be subject to substantial civil penalties under the Safety Act.

Many entities in addition to schools provide school transportation, including child care centers, religious groups, community groups, and school transportation contractors. As a result, we advise dealers, prior to sale, to inquire whether buses purchased by these groups, or other entities who the seller believes may be purchasing the vehicle for pupil transportation, will be used significantly to transport students. NHTSA encourages dealers to obtain written confirmation from the purchaser that the vehicle will not be used in this manner for their records.

**Q: Does federal law require school buses to be yellow?**

A: No. State and local governments establish policy for student transportation, including how school buses should be identified. However, NHTSA provides recommendations to the states on operational aspects of school bus and pupil transportation safety programs in the form of Highway Safety Program Guideline No. 17, Pupil Transportation Safety. Among other matters, Guideline 17 recommends that school buses be painted “National School Bus Glossy Yellow” and have other uniform identifying characteristics. The uniformity of school bus appearance helps motorists identify the vehicles as school buses.

**Q: What are the regulations on use of nonconforming vehicles for school transportation?**

A: Federal requirements regulate new vehicles that carry 11 or more people, which are sold for transporting students to or from school or school-related events. Those vehicles are required to meet all FMVSSs for school buses. The FMVSSs applicable to school buses require that school buses have stop arms along with many other safety features over and above those of other passenger vehicles. Under 49 U.S.C. 30101, et seq., a vehicle is regarded as being sold for use as a school bus if, at the time of sale, it is evident that the vehicle is likely to be significantly used to transport students to or from school or school-related events. This statute applies to school buses sold to public and parochial schools. For example, a dealer selling a new 15-passenger van to be

used for school transportation must ensure that the van is certified as meeting our school bus FMVSSs. Federal regulations do not prohibit the use of vans by schools, but require any van (with a capacity of more than 10) sold or leased for use as a school bus to meet the safety standards applicable to school buses. Federal regulations apply only to the manufacture and sale/lease of new vehicles. Each state prescribes its own regulations that apply to the use of any vehicle that is used to transport students.

**Q: What is the number of people who can safely sit on a school bus seat?**

A: Federal regulation does not specify the number of people who can sit on a school bus seat. The school bus manufacturers determine the maximum seating capacity of a school bus. The manufacturers use this number, which is based on sitting three small elementary school students per typical 39-inch school bus seat, in the calculations for determining the gross vehicle weight rating and the number of emergency exits. School transportation providers generally determine the number of people they can safely fit into a school bus seat. Generally, they fit three smaller elementary school students or two adult high school students into a typical 39-inch school bus seat. NHTSA recommends that all passengers be seated entirely within the confines of the school bus seats while the bus is in motion. Federal Motor Vehicle Safety Standard No. 222, "School Bus Passenger Seating and Crash Protection" requires that the interior of large buses provide occupant protection so that children are protected without the need to buckle -up. Occupant crash protection is provided by a protective envelope consisting of strong, closely -spaced seats that have energy-absorbing seat backs. Persons not sitting or sitting partially outside of the school bus seats will not be afforded the occupant protection provided by the school bus seats.

Office of Student Protection:

**Q: How does a new applicant apply for a Criminal History Record Check?**

A: Access the Office of Student Protection’s direct web address to begin the process. The web address is: https://www.nj.gov/education/crimhist. Click on “File Authorization and Make Electronic Payment for Criminal History Record Check.”

Select Option #1: “New Administration Fee Request (New Applicants Only)” - This screen displays four (4) options as to the job position(s) and employer. Please select the appropriate option and proceed to next screen.

Complete the requested applicant information (to include the county/district/school/contractor/ vendor code names furnished to you by your employer) and proceed to the Legal Certification. In order to continue with the ePayment process, read and accept the terms of the Applicant Authorization and Certification form by checking the box.

Please complete the required payment information. There is a $10.00 administrative fee for the department to process the request and issue an approval. There will also be an additional $l.00 convenience fee charged by the private vendor, NicUSA for processing the credit card information. Methods of payment are Visa, MasterCard, American Express or Discover credit cards.

You must click the “Make Payment” button only one time to complete the transaction.

After completing the transaction, the individual will be presented with three required steps. Select the first option “View and/or print your New Administration Fee Payment Request confirmation page” and print a copy of the receipt by clicking the print button in the upper right corner of the page and presenting a copy to the employing entity.

Next select the second option “View and/or print your IdentoGO N.J. Universal Fingerprint Form.” You must print the IdentoGO N.J. Fingerprint Form and present it to Idemia at the time of LiveScan fingerprinting.

Access the Idemia web page by selecting the third option “Click here to schedule your fingerprinting appointment with Idemia” to schedule a fingerprinting appointment and submit to LiveScan Fingerprinting.

When the Criminal History Review is completed, the applicant will be able to go to the Office of Student Protection’s website at https://www.nj.gov/education/crimhist to view and print their Applicant Approval Employment History or they will receive an Ineligible or Disqualification letter.

**Q: How does an applicant complete the Archive Process?**

A: The employing entity must authorize the Archive submission.

Your most recent Process Control Number is required for this process. Your Process Control Number can be obtained from your previous Idemia receipt or by accessing your Applicant Approval Employment History on the Office of Student Protection’s website.

Access the Office of Student Protection’s web address to begin the process. The web address is https://www.nj.gov/education/crimhist. Click on “File Authorization and Make Electronic Payment for Criminal History Record Check” and then click on “Archive Application Request (Applicants

Previously Fingerprinted and Approved Subsequent to February 2003).” Enter your social security number and click on “continue.” Select the position for which you are applying.

Complete the On-Line Applicant Authorization and Certification request. The Applicant Authorization and Certification request consists of three steps: Input Information and Legal Certification, Payment, and Submit.

The Applicant is not required to go to a site for Live Scan fingerprinting. The Office of Student Protection will request the check from Idemia.

**Q: What are the disqualifying statutes and the year of their enactment?**

A: October 8, 1986

1. Sexual Offenses
2. Child Abuse

August 11, 1989

1. Sexual Offenses or child molestation as set forth in 2C:14-1 et seq.
2. Endangering the welfare of a child or incompetent as set forth in 2C:P24-4 and 2C:24-7.
3. Crime or offense involving the manufacture, transportation, sale, possession or habitual use of a controlled dangerous substance as defined in the New Jersey Controlled Dangerous Substances Act.
4. A crime involving the use of force or the threat of force to or upon a person or property including: armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder, or simple assault involving the use of force which results in bodily injury.
5. In any other state or jurisdiction, a conviction involving conduct which, if committed in New Jersey would constitute any of the crimes or disorderly persons offense described in this section of this act.

June 30, 1998

1. All first or second degree crimes.
2. Child Abuse as set forth in R.S.9:6-1 et seq.
3. Drug offense changed to reflect “as defined in the Comprehensive Drug Reform Act of 1987 2C:35-1 et al. or drug paraphernalia as defined in 2C:36-1 et seq.
4. A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder.
5. A crime as set forth in Chapter 39 of Title 2 C (Weapons), a third-degree crime as set forth in Chapter 20 (Theft) and the following crimes:
* Recklessly endangering another person 2C:12-2
* Terroristic threats 2C:12-3
* Criminal restraint 2C:13-2
* Luring, enticing child into MV, structure. Isolated Area. 2C:13-6
* Causing or risking widespread injury or damage 2C:17-2
* Criminal Mischief 2C:17-3
* Burglary 2C:18-2
* Usury 2C:21-19
* Threats and other improper influence 2C:27-3
* Perjury and false swearing 2C:28-3
* Resisting arrest 2C:29-2
* Escape 2C:29-5
* Or Conspiracy to commit or an attempt to commit any of the crimes described in this act.
* Applies if crime occurs in any other state or jurisdiction and is comparable to NJ law.

February 21, 2003

1. Legislation enacted that mandated the N.J. State Police retain the state fingerprint image on all applicants for school employment. Should the applicant be arrested subsequent to their approval, the Office of Student Protection will be notified and will contact the employing facility to take the appropriate action.

November 1, 2003

1. Legislation enacted that mandated school bus drivers must have a motor vehicle abstract check of their driving record for D.W.I. and drug related offenses. If they are convicted of driving under the influence of alcohol or narcotics on 2 occasions during a 10-year period or one conviction while operating a school bus, they are permanently disqualified from public school employment. The responsibility for the searches rests with the Office of Student Protection.

May 4, 2007

1. Law amended to allow unpaid volunteers to be submitted by the educational facilities for a criminal history background check. However, the educational facility must reimburse the volunteer for the cost of the check. This amendment makes it optional for the facility to reimburse paid employees.
2. School bus driver law amended to include sections concerning “leaving a child on a school bus at completion of tour.” Includes, notifications to Department of Education and Superintendent of school; list incident on department Web site; action by Motor Vehicle Commission on “S” endorsement of driver.

September 1, 2009

1. Department policy change that allows educational facilities to submit student teachers for the Criminal History Record Check process. The fee will be the same as the unpaid volunteer; however the state fingerprint image will not be retained.

October 30, 2009

1. Criminal History Review administrative fee was raised to $10.00 per applicant/employee.

January 12, 2010

1. Department policy change that allows nonpublic school unpaid volunteers submit to the Criminal History Record Check as do the public school unpaid volunteers.

May 26, 2011

1. N.J.S.A.18A:12-1 et seq. was amended and signed by Governor mandating Criminal History Record Checks for all District Board Members and members of the Board of Trustees for Charter Schools.
2. Amended law adds two new crimes: Bias Intimidation and Fourth Degree Crimes involving a victim that is a juvenile.

**Q: May a school bus driver employed directly by the educational facility also serve in any other position within that same district?**

A: A school bus driver employed directly by an educational facility may work in other job positions within the same district without submitting to a new Criminal History Record Check. However, if

the school bus driver desires to obtain substitute teaching credentials, they would require a new Criminal History Record Check using statute N.J.S.A. 18A:6-7.2.

**Q: May authorized school bus contractors process their drivers directly to the Office of Student Protection?**

A: Yes, they must make application to this office, and they will be assigned their own code numbers.

**Q: When must school bus drivers undergo the Criminal History Record Check?**

A: School bus drivers must submit to the Criminal History Record Check upon initial application for a school bus driver endorsement and upon renewal of the basic driver’s license.

**Q: When should the school bus driver begin the Criminal History Record Check process required to renew their “S” endorsement?**

A: A school bus driver should start the Criminal History Record Check process about one to two months (but no sooner than three months) prior to the expiration of his/her driver’s license to facilitate a smooth transition.

**Q: If a school bus driver is employed or contracted by a public school district to transport private school children, must that person undergo the Criminal History Record Check process?**

A: Yes, since the driver is an employee of a public educational facility, the driver must be fingerprinted.

**Q: On initial application for a school bus driver’s license or renewal of this license, is the school district, contractor, or school bus driver applicant responsible for submitting proof of the Criminal History Record Check to the Motor Vehicle Commission?**

A: Yes, for initial application and renewal of the school bus driver’s “S” endorsement, the driver must provide a copy of their Applicant Approval Employment History that they printed from the Office of Student Protection’s website to the Motor Vehicle Commission.

**Q: What procedure must be followed when a school bus driver transfers to a new company or district with a valid approval date?**

A: All educational facilities and authorized school bus contractors that employ school bus drivers or individuals serving in substitute positions who transfer from one employer to another, must ensure that a Transfer Request was submitted online at the Office of Student Protection website. The Transfer Request may be submitted by the applicant or the employer. Please visit our website at: https://www.nj.gov/education/crimhist and select “File Authorization and Make Electronic

Payment For Criminal History Record Check” then select Transfer Request (Only Substitutes & Bus Drivers are eligible). Effective August 22, 2016, there will be a $5.00 fee and an additional $1.00 convenience fee charged by the payment processing company to submit a Transfer Request.

**Q: What is the difference between the school bus driver and school bus aide?**

A: School bus drivers must use N.J.S.A. 18A:39-19.1 when submitting to the Criminal History Record Check. They are printed initially when obtaining the “S” endorsement from the Motor Vehicle Commission and thereafter, each time they renew their driver’s license. The school bus aide must be printed under N.J.S.A. 18A:6-7.2. Thereafter, if they remain with the same company, no further printing is required. However, if the aides change employers, they must undergo the Criminal History Record Check as a new employee.

**Q: May a school bus driver renew their “S” endorsement if they are currently not employed as a school bus driver?**

A: No, a school bus driver must be employed with an educational facility or an authorized school bus contractor prior to undergoing the Criminal History Record Check through the Department of Education. Should the school bus driver’s “S” endorsement expire, the Motor Vehicle Commission will allow a period of time for the driver to renew the endorsement. If the school bus driver does not renew in that period of time, s/he will be required to undergo new testing for the “S” endorsement.