

NONPUBLIC SCHOOL TRANSPORTATION: REQUIREMENTS AND RECOMMENDATIONS

General Provisions

Transportation or aid in lieu of transportation (AIL) shall be provided in accordance with New Jersey Statute (NJSA18A:39-1 et seq) and Code (NJAC 6A:27-2). The DOE Student Transportation web site is located at:

<http://www.nj.gov/njded/finance/transportation/trans.htm>

The document explaining nonpublic school transportation procedures, as well as the forms necessary to apply for such transportation, can be found on the web site under the heading of Procedures and Related Documents.

Districts boards of education shall:

- Advertise for bids before determination is made to provide AIL. District boards of education are not required to bid for nonpublic school transportation when transportation is provided by district owned vehicles, renewal of an existing contract, coordinated transportation services agencies (CTSA), joint transportation agreements, common carriers, or another district board of education or CTSA has bid on the resident board's behalf.
- Attempt to utilize one of the CTSA's identified by the Commissioner of Education before paying AIL for the ensuing school year if they paid AIL in the prior school year or have determined that they cannot provide transportation to a nonpublic school for the ensuing school year within the maximum per student cost permitted by law.
- Not expend more than the maximum per student expenditure for nonpublic school transportation. Administrative fees charged by a CTSA are not to be included in the maximum per student expenditure calculation. Boards of education may not be required to provide transportation or pay AIL when the applications for transportation and/or payment vouchers are not properly submitted.
- Notify nonpublic school parents of the determination of their application for transportation by August 1st each year.
- Consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.

Frequently Asked Questions

For any specific questions, please contact Student Transportation at (609) 376-9064
or email student.trans@doe.nj.gov

1. Who must be transported?

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.

2. How is the distance between a student's home and school measured?

Measurement is made by the shortest distance along public roadways or walkways between the entrance to the student's home and the nearest public entrance of the school building. This measurement is for eligibility purposes only and is not necessarily the travel path to or from school.

3. When must transportation be provided?

Transportation or AIL shall be provided to eligible nonpublic school students Monday through Friday between September 1 and June 30 when the nonpublic school is in session.

4. 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 must not exceed the annual maximum expenditure set by law each year (\$1000 for the 2018-2019 school year);
- Students must reside in a district which provides transportation to and from school for remote public school students. (Exception: Nonpublic school transportation services are not required when the only transportation provided by the local board of education is for students attending special education, vocational/technical, or other specialized programs.)
- 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.
- In the 2018-2019 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.

5. What happens if the cost of transportation exceeds the annual maximum expenditure set by law?

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.

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

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.

7. Who is responsible for arbitrating disputes between boards of education and the administrators of nonpublic schools?

The executive county superintendent is responsible for settling any disputes between district boards of education and the chief school administrators of nonpublic schools regarding student transportation. In addition, he or she must convene a meeting between local districts and nonpublic school administrators at least once a year to discuss issues related to student transportation.

8. Is a nonpublic school student who is not eligible to receive transportation eligible to receive AIL?

No. When parents submit the Application for Private School Transportation (B6T Form), they are applying for transportation, not aid. The district's first obligation is to provide transportation for eligible students within the maximum expenditure. Parents receive AIL only if students are eligible for transportation and the district is unable to provide it for this amount. AIL is simply an alternate way of providing the transportation itself. Therefore, if students are not eligible for one, they are not eligible for the other.

9. What is the maximum length of time permitted for a student to spend on a school bus?

New Jersey Statute and Code does not establish a maximum time limit a student may be on a bus. Certain types of routes (e.g. nonpublic, special education, etc.) do tend to be longer than their regular public school counterparts because of the nature of the transportation. While public school routes usually transport a large number of students within a small geographic area, nonpublic school routes typically do the opposite. They transport a relatively small number of students over a much larger area to schools that are often outside of the district and/or to multiple destinations. Therefore, as an industry standard, an hour and a half is not uncommon for these routes.

10. What is the maximum distance from a student's home permitted for the establishment of a school bus stop?

New Jersey Statute and Code does not establish a maximum distance from a student's home to a bus stop. However, since both (NJSA 18A: 39-1.1 and NJAC 6A: 27-1.2(a)) set a maximum distance for eligibility for transportation, the district may not establish a stop beyond those distances without the parent's consent.

11. Is it permitted to have students arrive at the school or wait for the bus beyond the established bell times?

Yes. Provided that they are properly supervised, students may be dropped off at the school early and wait for classes to begin or wait at the school for the bus to arrive after school is dismissed. This practice is not uncommon; especially when the bus routes are tiered (i.e. the same bus is used for the completion of more than one route).

12. Is it permitted to have students transfer buses during a bus route?

Yes. Provided that they are properly supervised, students may be required to transfer buses. Typically, they will wait on the first bus, or be discharged at a school, to await the arrival of the second bus. This practice is common when students are being transported from many different points within a given area. In such a case, they are transported to the central location and, then, board the second bus to continue to the final destination.

13. Is it permitted to have both elementary and high school students on the same bus/route?

Yes. In doing so, it is a common practice to have the elementary grade students sit in the front of the bus closest to the driver. The driver can be instructed to be especially vigilant and to immediately report any inappropriate conduct on the part of the older students to the principal for disciplinary action.

14. What is the maximum passenger capacity of a school bus?

The maximum legal passenger capacity of a school bus is 54 students, but there is no limit to the number of students that may be assigned to a bus. School districts are permitted to "overbook" school buses on paper, provided they have a contingency plan to ensure that all eligible students can receive transportation when they need it and to address an actual overload situation should all eligible students take the bus.

Models of Transportation Efficiency

Local boards of education may utilize a number of methods to increase their use of school vehicles, and, therefore, their transportation efficiency. These practices encourage the more efficient use of vehicles and cost savings which enables them to provide transportation for more students.

- **Tier school opening and closing times.**
School opening and closing times should be staggered in such a way as to enable the use of a single vehicle for several routes. The development of additional tiers can result in the need for fewer vehicles to service the same number of students.
- **Coordinate school calendars (Public and Nonpublic).**
Coordinate the start and end of the school year, as well as school holidays and teacher in-service days, so that school calendars for both public and nonpublic schools are consistent and uniform. This will assist school districts in better coordinating public and nonpublic school transportation, may enable districts to fill a route with both public and nonpublic school students, and may necessitate the use of fewer vehicles to transport the same number of students.
- **Provide out of district transportation through a CTSA.**
Since the number of students attending a specific out of district school is usually fewer than the number of students attending a school within a school district, utilizing coordinated or regionalized transportation services will likely result in a higher capacity utilization of the buses transporting students to that out of district school. One route could service several districts whose students attend the same out of district school.
- **Provide services through jointures, either as a host or joiner.**
When school districts form jointures to provide transportation services, the host district has the opportunity to fill what would have been empty seats on their route, and the joiner is able to provide transportation to their own students without using one of their own buses or contracting for the service while leaving some seats empty.
- **Design routes with consolidated stops.**
Design routes that service the largest numbers of students with the least amount of stops. Such routes may mix public and nonpublic school students and/or have multiple schools as destinations.
- **Design routes with multiple destinations.**
When a route to a certain school passes one or more schools located along that route, the bus will be more fully utilized if children attending those other schools who live along that route can be added to the route. The bus would then stop at each of the schools along the route.
- **Mix public and nonpublic school students on the same routes.**
Public and nonpublic school students living in the same neighborhood and attending schools located close to each other could be placed on the same bus route with both schools as the destination. This would alleviate the need for

two separate routes following the same roadways to similar destinations, and result in fewer vehicles to service the same number of students.

- **Standardize ride-time policies for all districts participating in consolidated services.**

When districts with different ride-time policies (i.e., limits on the length of time a student may ride on a bus) attempt to use the same consolidated transportation services agency, the differences in the policies place constraints on the ability of the agency to provide transportation which meets all of the varying policies. Limiting the transportation for all participants to the shortest ride-time policy of its members could result in the inability of the agency to provide transportation to any of the participants.

- **Package bids with tiered routes.**

The design of bid packages which would require contractors to bid on a package of routes which have been tiered for efficiency. This practice would prevent contractors from picking and choosing the most profitable routes while failing to bid on more demanding routes or routes with a lower profit margin. The packaging of bids with tiered routes enables bulk bidding and leads to volume discounts from school bus contractors wishing to bid on the entire package.

- **Use municipal/school district joint bidding for maintenance, fuel, etc.**

Savings can be realized by combining the needs of both the municipality and school district into one bid, which would be more likely to result in volume discounts from vendors.

**Options for School Districts,
Nonpublic Schools, and Parents
When Transportation is Not Provided**

Boards of Education

- Boards which have been unable to secure transportation by the August 1st deadline, but are continuing to attempt to do so, should notify the parents of this situation. The notification should inform the parents that the district is continuing to attempt to find transportation, give parents a tentative date by which they will know if a bus will be available and, unless the district can find an alternative, they will be receiving AIL.
- Districts that find transportation after the August 1st notification date and have previously informed parents that they would be receiving AIL, **cannot** require these parents to accept the bus. They should check with the parents to ascertain if they would still be willing to use a bus instead of receiving aid in order to ensure that the cost per pupil remains below the maximum allowable

expenditure. Districts often find it useful to enlist the aid of the nonpublic schools which the students attend in contacting the parents in this regard.

- By the middle of August, it is not recommended that districts continue to try to provide transportation when the parents have already been notified that they will be receiving aid. Doing so at this point often causes problems in securing transportation below the maximum expenditure for the entire school year, as many parents may have already made alternate arrangements.

Nonpublic Schools

- Nonpublic school administrators can arrange for transportation and charge the parents for this service. Many nonpublic schools are willing to do so in order to retain their students who might otherwise attend public schools if no transportation is available.
- Implement changes in their school schedule (e.g. coordinate school calendars and bell times with public and/or nonpublic schools in the area), that will enable districts to design more efficient routes and make the nonpublic school routes more attractive to school bus contractors.

Parents

In addition to transporting their children to school themselves, parents may:

- Enlist the help of their nonpublic school in attempting to find alternative means of transportation.
- Contract directly with school bus contractors. This is has been effective when parents group together to share the cost of the route.
- Buy available seats on routes operated by another school district or a CTSA providing busing to that school (provided that district or CTSA is willing to sell the seats).
- Explore the possibility of carpooling with other parents.