

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

Note: New additions to rule text at adoption level are indicated in boldface ***thus*** and new deletions at adoption level are indicated in brackets [[thus]].

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

This comment and response form contains comments received since the May 7, 2025, State Board meeting when the rulemaking was considered at Proposal Level.

Topic:	Student Transportation	Meeting Date:	November 5, 2025
Code Citation:	N.J.A.C. 6A:27	Level:	Adoption
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. Michael A. Vrancik, Legislative Advocate, New Jersey Association of School Business Officials
 2. Jean Public
 3. John J. Burnes Esq., Senior Legislative Counsel, New Jersey School Boards Association
 4. Richard Skibitski, Director of Student Transportation, Wayne Township Public Schools
 5. Dr. Diane S. Fox, Assistant Superintendent/Business Administrator, Middle Township Public Schools
 6. Sue Young, Executive Director, New Jersey Association of School Business Officials
 7. Dan Baginski, Business Administrator, Jackson Township School District
 8. Thomas Lauton, Legislative Chair, School Transportation Supervisors of New Jersey
 9. Melissa Tomlinson
1. **Comment:** The commenter agreed that district boards of education should have the option to transport students to and from school activities in private vehicles and to transport small groups of students to and from curricular events without the use of specially licensed vehicles and without the driver possessing a bus driver's license. **(3)**
Response: The Department thanks the commenter for the support.
 2. **Comment:** The commenter stated that P.L. 2024, c. 81, aims to address the shortage of bus drivers, has the potential to reduce costs for school districts, and does not compromise the safety and training requirements for drivers with a Commercial Driver's License (CDL). The commenter expressed support for the Department's prompt action in proposing amendments at N.J.A.C. 6A:27-7.6 to align the section with P.L. 2024, c. 81. **(6)**
Response: The Department thanks the commenter for the support.
 3. **Comment:** The commenter opposed the proposed amendments at N.J.A.C. 6A:27-2.1 because they will increase costs to taxpayers and lead to more vehicles on the road, which the

commenter contended could lead to accidents. The commenter also indicated that school employees' personal automobiles might not have proper insurance. The commenter further indicated that school employees may not be familiar with all areas of a town and it is safer to keep students together on a school bus. The commenter also expressed concern that parents could use the option to become a personal taxi service. (2)

Response: The proposed amendments at N.J.A.C. 6A:27-2.1 do not contain regulations related to the transportation of students. To the extent the commenter is concerned about the proposed amendments at N.J.A.C. 6A:27-7.6 relating to the transportation of students in private vehicles by designated drivers, the Department disagrees. The Department maintains that this will reduce the number of vehicles on the road – rather than increase them -- because the designated drivers will be transporting students from multiple families instead of each family transporting one student. As proposed at N.J.A.C. 6A:27-7.6(d)3, district boards of education must provide, to the executive county superintendent, documentation of automobile liability insurance for bodily injury and property damage that meet the requirements proposed at N.J.A.C. 6A:27-1.6(a). The Department disagrees that designated drivers should be familiar with all areas of a town because schools will be establishing routes that the designated drivers will follow. P.L. 2024 c. 81 and the proposed rules maximize student safety while addressing the bus driver shortage. The Department also disagrees that designated drivers will be used for personal taxi use because they are employed by school districts to transport students on established routes and are not hired by individual families.

4. **Comment:** The commenter questioned the creation of the nonpublic school consortium transportation program established pursuant to P.L. 2023, c. 326. The commenter stated that the State law already permitted school districts to coordinate directly with other school districts regarding the transportation for resident students attending nonpublic schools, charter schools, and renaissance school projects by entering into an agreement with a coordinated transportation service agency (CTSA). The commenter also stated that N.J.A.C 6A:27-2.1(b)2 requires a school district to attempt to utilize CTSA's to find bus routes prior to determining the school district cannot provide transportation and, instead, must pay aid-in-lieu of transportation to the student's family. The commenter further stated that CTSA's often charge lower fees for providing administrative services than the six percent administrative fee consortiums are permitted to charge pursuant to P.L. 2023, c. 326. (8)

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

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

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

6. **Comment:** The commenter stated that N.J.A.C 6A:27-7.5(b) requires "school buses" to comply with all New Jersey Motor Vehicle Commission (NJMVC) regulations. The commenter also stated that N.J.A.C. 13:20-13.2 extends the definition of "school bus" at N.J.S.A. 39:1-1 to a School Vehicle Type II and defines any vehicle that transports children to

and from school with a maximum seating capacity of nine passengers, excluding the driver, as a “Type S” school bus. The commenter stated that transportation in accordance with N.J.A.C. 6A:27-7.6, which permits the transportation of students in private vehicles that are not regulated as school buses, conflicts with N.J.S.A. 39:1-1, which defines any vehicle that transports children to and from school as a school bus subject to the NJMVC’s regulations. (8)
Response: P.L. 2024, c. 81 specifically exempts the vehicles used to transport students in accordance with the provisions of the law and N.J.A.C. 6A:27-7.6(b) from the requirements for school buses as defined in other rules and statutes. The law explicitly prohibits such vehicles from being subject to specific registration, equipment, inspection, and maintenance requirements that are imposed on school bus vehicles.

7. **Comment:** The commenter opposed the proposed amendments at N.J.A.C. 6A:27-7.6 because they expose school personnel to increased liability. The commenter stated that insurance companies may seek damages from the designated drivers, as well as the administrators that permitted the transportation pursuant to the proposed regulations, if an accident occurs. The commenter also stated that school districts may need to obtain additional liability insurance, which, the commenter contended, would increase school districts’ costs. (9)
Response: The Department appreciates the commenter’s concerns. Whether a school district assigns current school personnel or only school personnel who volunteer is a contractual matter. Nothing in the statute or proposed regulations requires school personnel to participate as a designated driver; such decisions are made at the discretion of the employer and employee. As proposed at N.J.A.C. 6A:27-7.6(d)3, district boards of education must provide, to the executive county superintendent, documentation of automobile liability insurance for bodily injury and property damage that meet the requirements proposed at N.J.A.C. 6A:27-1.6(a)3.
8. **Comment:** The commenter asked how transportation in accordance with N.J.A.C. 6A:27-7.6 will affect a school district’s efficiency rating. (8)
Response: At this time, the Department’s calculation of transportation efficiency ratings will not change. After the first year of implementation, the Department will assess the appropriateness of modifying the transportation efficiency calculation to account for transportation pursuant to N.J.A.C. 6A:27-7.6.
9. **Comment:** The commenter asked how transportation provided in accordance with N.J.A.C. 6A:27-7.6 will be reported on the District Report of Transported Resident Students (DRTRS). (8)
Response: School districts will be required to report on the DRTRS the details of transportation routes and the students being transported in accordance with N.J.A.C. 6A:27-7.6 consistent with the reporting requirements for all other transportation services as described in the DRTRS’s [technical manual](#).
10. **Comment:** The commenter stated that vehicles used to transport students in accordance with N.J.A.C. 6A:27-7.6 cannot be marked as school buses. The commenter asked how parents and students will know they are being picked up by a designated driver if markings are not required. The commenter also asked if the vehicles will be required to have road triangles or fire extinguishers, which are required for school buses. (8)
Response: The Department understands the commenter’s concerns. However, P.L. 2024, c. 81 does not require markings, road triangles, or fire extinguishers for transporting students in accordance with the law. The vehicles used to transport students under this law are not considered school buses pursuant to P.L. 2024, c. 81 and, therefore, do not have the same requirements. District board of education policies regarding the use of private vehicles to transport students may include identification requirements so parents and students will know they are being picked up by a designated driver.

11. **Comment:** The commenter stated that the proposed amendments at N.J.A.C. 6A:27-7.6 will allow each school district to create their own maintenance standards for the vehicles used to transport students in accordance with the section, as proposed for amendment. The commenter asserted that there should be one State standard for vehicle maintenance for the transportation of students and not separate standards for each of the more than 600 school districts. **(8)**
Response: The Department appreciates the commenters' concern. However, P.L. 2024, c. 81 states that the vehicles used to transport students in accordance with the law are exempt from all "registration, equipment inspection, and maintenance requirements imposed on the transportation of pupils by school bus." District board of education policies regarding the use of private vehicles to transport students may include maintenance standards for vehicles.
12. **Comment:** The commenter stated that existing N.J.A.C. 6A:27-7.6(a) permits the transportation of students to and from school-related activities in private vehicles in accordance with district board of education policies and expressed concern that the proposed amendments at N.J.A.C. 6A:27-7.6(b) will limit school districts' ability to do so. The commenter also stated that this conflicts with the language in P.L. 2024, c. 81. The commenter requested clarification about whether school districts will be able to continue to transport students in private vehicles for school-related activities, as well as to and from school, pursuant to N.J.A.C. 6A:27-7.6, as proposed for amendment. The commenter suggested amending N.J.A.C. 6A:27-7.6(b) to reference transportation to and from school-related activities in addition to transportation to and from school. **(6)**
Response: The Department disagrees. The proposed amendment at N.J.A.C. 6A:27-7.6(a) maintains the prior language permitting transportation to and from school-related activities as indicated by a district board of education policy. Proposed new N.J.A.C. 6A:27-7.6(b) through (k) apply only to transportation permitted pursuant to P.L. 2024, c. 81 and will not affect any previous right to transport students to and from school-related activities.
13. **Comment:** The commenter inquired whether proposed N.J.A.C. 6A:27-7.6(b) will permit a school district to hire school personnel for the purpose of transporting students or if school districts are limited to existing school personnel. The commenter also asked whether a school district will be able to assign, to current personnel, the duty of transporting students pursuant to this section, or if school districts will be able to designate as drivers only personnel who volunteer for this additional duty. **(3)**
Response: Proposed N.J.A.C. 6A:27-7.6(b) does not prohibit a school district from hiring staff for the purpose of transporting students. And nothing in the statute or proposed regulations requires school personnel to participate as a designated driver; such decisions are made at the discretion of the employer and employee.
14. **Comment:** The commenter requested a change at proposed N.J.A.C. 6A:27-7.6(b)1 to replace "the district board of education" with "a district board of education." The commenter stated that the requested change would facilitate shared services between school districts and educational service commissions by allowing an employee of one school district to provide transportation services in another school district, while maintaining the oversight and training requirements. **(6)**
Response: The Department agrees and proposed the requested amendment at proposal level.
15. **Comment:** The commenter asked why the Department proposed N.J.A.C. 6A:27-7.6(c) to require school personnel to have completed a criminal history background check "within the past year" prior to being designated as a driver pursuant to the section when P.L. 2024, c. 81 states that designated personnel must have completed a criminal history background check but does not specify a timeframe. The commenter also asked whether the school personnel's initial background check upon being hired by the school district would be sufficient to satisfy the background check requirements pursuant to P.L. 2024, c. 81. The commenter further

asked who is responsible for paying for the additional criminal history background checks. (3)
Response: The Department determined that a school personnel's background check conducted upon being hired by the school district is not sufficient to maximize student safety unless it was conducted within the past year. Therefore, the Department proposed to require school personnel to have completed a criminal history background check within the past year. Unlike other school personnel, designated drivers will have extended contact with individual or small groups of students in potentially unmarked vehicles. The school district's policy will need to establish the party responsible for the cost of criminal background checks.

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

Response: The Department understands the commenter's concern. A school district that decides to designate drivers to transport students pursuant to P.L. 2024, c. 81 may impose additional requirements in the district board of education policy. N.J.A.C. 6A:27-7.6(c)3 requires the designated driver to have completed, within the past year a physical examination pursuant to N.J.S.A. 18A:16.2. The referenced statute allows a district board of education to require its employees to undergo a physical examination and requires the examination for any candidate for employment who has received a conditional offer of employment. The statute also allows the district board of education to require individual psychiatric or physical examinations of any employee, whenever, in the district board of education's judgment, an employee shows evidence of deviation from normal, physical or mental health. The statute further allows a district board of education to include, as part of the examination, laboratory tests or fluoroscopic or X-ray procedures for the obtaining of additional diagnostic data.

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

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

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

18. **Comment:** The commenter asked the Department to provide the significance of the July 15 deadline, at proposed N.J.A.C. 6A:27-7.6(d), for district boards of education to submit a list of designated drivers and supporting documents to the executive county superintendent. The commenter also asked whether a school district could add personnel to the list. The commenter urged the Department to provide school districts with additional time and flexibility to designate personnel closer to the beginning of the school year. (3)

Response: The Department disagrees with the request for the July 15 deadline to be changed to a rolling date or to otherwise permit school personnel to be designated as drivers during the

school year. P.L. 2024, c. 81 expressly requires the establishment of a single deadline for the designation of drivers and allows only drivers who are designated prior to the Commissioner-set deadline to transport students in accordance with the law for the school year. Therefore, P.L. 2024, c. 81 precludes the addition of designated drivers to a school district's list after the deadline and does not permit the establishment of a rolling deadline.

The Department agrees with the commenters that the July 15 deadline could place an undue burden on school districts by shortening the time to hire individuals, perform the required background checks, and train them as designated drivers for the school year. The July 15 deadline could also be detrimental to students by limiting their transportation options and potentially leading to more parents receiving aid in lieu because school districts are unable to provide transportation for students. Amending the deadline to August 15 annually will provide school districts with additional time to designate drivers while complying with the statutory mandate that a singular date be established. Extending the deadline will not be detrimental to school districts, school personnel, students, or families.

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

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

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

the list is not provided to the executive county superintendent by the [[July]]

August 15 due date.

19. **Comment:** The commenter requested that the annual deadline of July 15, at proposed N.J.A.C. 6A:27-7.6(d), for district boards of education to submit a list of school personnel designated as drivers and supporting documents to the executive county superintendent be changed to August 15, at the earliest, or September 1, at the latest, because the proposed deadline of July 15 will prevent school districts from fully realizing the potential of the P.L. 2024. c. 81. **(1)**
Response: Please see response to Comment 18.
20. **Comment:** The commenter requested that the Department amend proposed N.J.A.C. 6A:27-7.6(d) to change the annual deadline of July 15 for district boards of education to submit a list of school personnel designated as drivers and supporting documents to the executive county superintendent to August 15 and to allow for the addition and deletion of designated drivers throughout the school year. The commenter stated that the requested delay is necessary because personnel changes are inevitable and school districts need to be able to maintain a consistent and reliable transportation service list. The commenter also stated that requiring school districts to submit, in the summer, a list of school personnel eligible to drive throughout the entire school year is cost and time prohibitive and allowing additions to the list throughout the year would ensure replacement drivers are available. **(6)**
Response: Please see response to Comment 18.
21. **Comment:** The commenter requested the Department replace the July 15 deadline at N.J.A.C. 6A:27-7.6(d) with a rolling deadline because the proposed deadline to submit school personnel to drive for the entire year is cumbersome and unreasonable. The commenter stated that school districts hire staff through August and the timeline does not allow school districts to add mid-year hires to the designated driver list. The commenter contended that P.L. 2024, c. 81 was intended to allow school districts to hire drivers specifically for this purpose, as well as to designate current school personnel. The commenter stated that it is difficult to hire drivers and they often leave during the school year, so school districts could not replace them due to the early deadline. **(5)**
Response: Please see response to Comment 18.
22. **Comment:** The commenter stated that the Federal Motor Carrier Safety Administration (FMCSA) identifies disqualifying driving offenses for CDL drivers. The commenter asked the Department to provide disqualifying driving offenses for school personnel without a CDL who are designated as drivers pursuant to proposed N.J.A.C. 6A:27-7.6(d). **(8)**
Response: P.L. 2024, c. 81 states that drug- and alcohol-related motor vehicle violations, as well as any violation that would disqualify a person from transporting students pursuant to Titles 18A and 39 of the New Jersey Statutes, would also disqualify school personnel from transporting students as a designated driver.
23. **Comment:** The commenter asked the Department to quantify the cost to school districts to conduct monthly motor vehicle record checks pursuant to N.J.A.C. 6A:27-7.6(g). **(3)**
Response: According to the New Jersey Motor Vehicle Commission (NJMVC), the NJMVC presently charges \$150.00 per year for qualified government agencies to access the online Customer Abstract Information Retrieval (CAIR) program system, which provides direct access to driving records. The administrative fee covers the first 5,000 online transactions made by a qualified government agency.

24. **Comment:** The commenter asked if the school district must perform monthly motor vehicle record checks in accordance with proposed N.J.A.C. 6A:27-7.6(g) on all designated school personnel during the summer months when schools are closed and, therefore, not all designated personnel will be driving students. (3)
Response: Yes, the school district must access the monthly motor vehicle record checks on all designated drivers who remain on the approved list during the summer months.
25. **Comment:** The commenter stated that the requirement at proposed N.J.A.C. 6A:27-7.6(g) for school district boards of education to perform monthly driving record checks could cost school districts more time and money than will be saved by designating school personnel to transport students to and from school. The commenter requested that the Department maintain a database for school personnel designated as drivers that the county offices of education would monitor and notify a school district if a driver has a disqualifying offense. The commenter stated that this is already done for other personnel and should be the same for drivers pursuant to N.J.A.C. 6A:27-7.6, as proposed for amendment. The commenter also stated that school employees already are required to inform their supervisor if they receive a motor vehicle violation that could endanger their position. (5)
Response: The Department disagrees that proposed new N.J.A.C. 6A:27-7.6(g) will cost school districts more time and money than will be saved. The Department emphasizes that designating drivers is voluntary, and a school district does not have to participate in the program if it will cost more money than will be saved. Although school personnel are required to inform their supervisor if they have a disqualifying motor vehicle violation, P.L. 2024, c. 81 requires a school district seeking to designate drivers pursuant to the law to submit driving records to the executive county superintendent at a time and frequency as determined by the Commissioner. P.L. 2024, c. 81 places the responsibility on a school district that chooses to participate in this voluntary program and does not require the Department to create and maintain a database of designated drivers.
26. **Comment:** The commenter stated that school bus drivers are subject to annual drivers abstract checks and not monthly checks as required by the proposed amendment at N.J.A.C. 6A:27-7.6(g) for school personnel designated as drivers. The commenter stated that monthly checks would add to the workload of school district transportation departments, which, the commenter contended, are already overworked and understaffed. The commenter stated that the school personnel designated as drivers should be required to provide the monthly abstracts and not the school district. (4)
Response: The Department disagrees. Unlike designated drivers pursuant to the proposed regulations, licensed bus drivers are required to possess CDLs and comply with additional rules that place significant additional requirements on bus drivers to ensure the safety of students. The Department maintains that monthly motor vehicle records accessed by the school district are necessary to ensure the safety of students being transported by designated drivers in accordance with N.J.A.C. 6A:27-7.6(b).
27. **Comment:** The commenter expressed concern that proposed N.J.A.C. 6A:27-7.6(j) exempts vehicles used to transport students pursuant to the section from the safety inspections required for school buses. The commenter stated that passenger vehicles are checked for only emissions-related issues and not for brakes, lights, and other safety features, even though school buses are checked every six months for the latter and undergo annual emissions checks. The commenter also stated that passenger vehicles are completely exempt from safety inspections and, therefore, the proposed regulations do not ensure the safety of the students being transported in passenger vehicles. The commenter suggested that all vehicles transporting students must be required to undergo full safety inspections. (4)

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

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

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

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

Response: The Department declines to propose the requested change. Pursuant to section 1.b(2) of P.L. 2023, c. 326, a consortium must charge parents the actual cost for providing subscription transportation services but not more than the “the per pupil cost of the route.” Since the actual transportation cost for each student and the per pupil cost of the route will vary by bus route, the consortium cannot charge a uniform rate for all students within one school district or multiple school districts.

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

Response: The Department disagrees with the commenter that insufficient guidance has been provided on how to calculate the per pupil route costs. The per pupil route cost is the total cost of the route divided by the total number of students being transported, regardless of whether a student is being provided mandatory or subscription transportation services. The consortium is responsible for the calculation of the actual route costs and for providing the following to all participating school districts: the proposed routes prior to putting the routes out for bid in accordance with N.J.A.C. 6A:27-14.4(g); all documents necessary to calculate the actual cost for transporting each student; the per pupil cost for the route in accordance with N.J.A.C. 6A:27-14.4(l); and all documents necessary to evaluate the consortium’s performance in accordance with N.J.A.C. 6A:27-14.4(v). Proposed N.J.A.C. 6A:27-14.4(y) also will require consortiums to conduct annual audits. Finally, any dispute over the consortium program may be submitted to the executive county superintendent for a determination in accordance with N.J.A.C. 6A:27-14.7(g) and 14.8(b).

31. **Comment:** The commenter stated that proposed new N.J.A.C. 6A:27-14.3(c), which will require school districts to pay aid-in-lieu amounts for students who enroll after the start of the school year, would cost the school district an additional \$350,000. The commenter stated that

applications received after the submission of the DRTRS are not prorated because students who enroll late do not generate nonpublic transportation aid. The commenter further stated that N.J.A.C. 6A:27-2.1(h) states that an aid-in-lieu payment may be “adjusted” but is not required. The commenter requested that the regulation be amended to eliminate the prorated aid-in-lieu payment to the consortium. (7)

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

32. **Comment:** The commenter expressed concern with proposed new N.J.A.C. 6A:27-14.3(e) and (e)1, which require participating school districts to complete the DRTRS application for all resident nonpublic school students who are eligible for transportation. The commenter stated that the school district has struggled with how to accurately report students whose transportation is handled by the consortium. The commenter specifically asked the question of whether route costs should be calculated based on all students, including those paying via subscription, or if it should be based on only eligible students. The commenter contended that the difference in calculation has implications for the commenter’s school district of up to \$300,000 in transportation aid. The commenter asserted that the Department’s inaction to provide clarity has the potential to make consortium partnerships more costly than aid-in-lieu per pupil costs. The commenter recommended that all eligible mandated students be considered as aid-in lieu for the purposes of DRTRS submission, ensuring the viability of consortium partnerships without jeopardizing the loss of non-public transportation reimbursement. (7)

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

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

Response: Consortia are not public entities; they are created by private schools and operate as a nonprofit corporation in accordance with N.J.A.C. 6A:27-14.4(a). Records from the school district that are in the consortium’s possession, including, but not limited to, the contract between the consortium and the school district and documents that the school district is required to submit to the State, are public records and subject to disclosure pursuant to the OPRA and other record retention laws. Consortium oversight committees are public entities and meet in accordance with the Senator Byron M. Baer Open Public Meetings Act as stated

at N.J.A.C. 6A:27-14.7(a). Their records are also subject to disclosure pursuant to the OPRA and other record retention laws. Specific criteria related to OPRA requests can be found on the [Government Records Council's website](#) and record retention schedules can be found on the Department of the Treasury's [records retention website](#).

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

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

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

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

Response: N.J.S.A. 18A:39-1 does not include the 30-mile requirement for the transportation to and from school of nonpublic school students residing in counties that meet certain criteria. The 30-mile requirement was adopted in the annual appropriations act for Fiscal Year 2026. The Department does not propose regulations based on exceptions to statutory requirements that are contained in the annual appropriations act. However, the consortium is required to follow the 30-mile requirement because P.L. 2023, c. 326 states that "the consortium shall assume all of the responsibilities of the school district ... for transporting to and from nonpublic schools," which includes the transportation of students that reside within 30 miles of the nonpublic school as required for the 2025-2026 school year pursuant to the annual appropriations act.

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

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

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

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

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

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

Agency-Initiated Changes

1. The Department proposes at N.J.A.C. 6A:27-7.6(b) to replace the semicolon after “the driver” with a comma to correct a punctuation error.

(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.

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

(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.



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

Adoption Level
November 5, 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 in 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 August 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 August 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 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 pursuant to 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 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 obligations pursuant to P.L. 2023, c. 326, and this 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, 2, 3, and 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, rules, 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 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, rules, 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

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 pursuant to 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** or ***thus***; deletions indicated in brackets [thus] or [[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.**

1. For purposes of this section, “school personnel” means any person employed by 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]] *August* 15 of each year, a district board of education that designates school personnel pursuant to (b) above shall provide, to the executive county superintendent, the following:
1. 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 at (d) above or if the list is not provided to the executive county superintendent by the [[July]] ***August*** 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 in this section.**

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, unless the context clearly indicates otherwise, 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; and
 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 State laws, rules, 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 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 within the control of the consortium are used to further the purpose consortium program, compliance with State laws, rules, 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, rules, 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 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; or**
 - 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 as otherwise required by State laws, rules, 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 the Department of Education in accordance with N.J.A.C. 6A:3.**