

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

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Chapter 27. Student Transportation

Subchapter 1. General Provisions

6A:27-1.1 Purpose and scope

- (a) This chapter sets forth the rules governing the transportation of students to and from school and school-related activities. This chapter also contains rules governing contracts for student transportation and the rules delineating the Department's responsibilities in its oversight of student transportation.
- (b) This chapter's purpose is to ensure the safe and efficient transportation of students to and from school and school-related activities.

6A:27-1.2 District board of education responsibilities

- (a) As used in this chapter, the term "district board(s) of education" shall refer to both district boards of education and coordinated transportation services agencies (CTSAs).
- (b) District boards of education shall provide transportation pursuant to N.J.S.A. 18A:39-1 et seq., and shall adopt policies and procedures governing the transportation of students to and from school and school-related activities.
- (c) District boards of education shall adopt policies to ensure that all transportation provided to resident students is done in compliance with all State and Federal laws and regulations.
- (d) District boards of education providing transportation services shall be responsible for the suspension of transportation services due to inclement weather or other conditions.

6A:27-1.3 Students who shall be transported

- (a) District boards of education shall provide transportation to public school students who reside remote from their assigned school of attendance, nonpublic school students who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C.

6A:27-2.2, and students with disabilities who reside remote from their assigned school or who require transportation services in accordance with their individualized education program (IEP). District boards of education that receive State aid for preschool programs according to N.J.S.A. 18A:7F-54 shall also provide transportation to preschool students who live remote from their school of attendance.

1. For the purpose of determining eligibility for student transportation:

- i. “Remote” shall mean beyond two and one-half miles for high school students (grades nine through 12) and beyond two miles for elementary school students (preschool through grade eight).
- ii. Distance shall be measured using the shortest route along public roadways or public walkways between the entrance of the student’s residence nearest the public roadway or public walkway and the nearest public entrance of the school the student attends.

(b) Pursuant to N.J.S.A. 18A:39-1c, transportation need not be provided if a student’s parent(s) or legal guardian(s) signs a written statement waiving transportation services for the school year.

1. District boards of education shall develop a policy for the provision of transportation services to the student in the case of a family or economic hardship, and may develop guidelines and procedures for parental waivers of transportation services.

6A:27-1.4 Students who may be transported

(a) District boards of education may provide for the transportation of students who reside less than remote from their school in accordance with district board of education policies and at the school district’s expense.

1. District boards of education may elect to charge the parent or legal guardian for all or part of the cost of this service in accordance with N.J.S.A. 18A:39-1.3.
- (b) District boards of education that provide for the transportation of students pursuant to N.J.S.A. 18A:39-1 or a cooperative transportation services agency (CTSA) may provide for the transportation of resident and nonresident students who are not otherwise eligible for transportation services and charge the parent or legal guardian for all or part of the cost of this transportation in accordance with N.J.S.A. 18A:39-1.3.
1. The parent(s) or legal guardian(s) of a nonpublic school student who receives aid in lieu of transportation from their resident district board of education may purchase transportation services from another district board of education or CTSA.
- (c) Whenever a district board of education agrees to provide nonmandated transportation to and from school for reasons of hazard, the district board of education shall adopt a hazardous busing policy in accordance with N.J.S.A. 18A:39-1.5.
- (d) When a parent or legal guardian elects to have transportation provided for his or her child pursuant to N.J.S.A. 18A:39-1.7, the district board of education or CTSA may elect to charge the parent or legal guardian for all or part of the cost. However, the cost of the transportation paid by a parent or legal guardian shall be no more than the per student cost of the route and shall be paid at the time and in the manner determined by the district board of education or CTSA pursuant to district board of education policy.
- (e) Municipal governments may elect to pay the cost of transportation for students who live less than remote from their school through an interlocal agreement with the district board of education in accordance with N.J.S.A. 18A:39-1.2. Municipal governments may elect to charge parents or legal guardians of students transported as part of the interlocal agreement for all or part of the cost of this service.

- (f) Students who are unable to pay because of financial hardship shall not be excluded from receiving services described under this section. The criteria used to determine financial hardship shall be the same as the Statewide income eligibility standards established for free and reduced-price meals under the State school lunch program.
- (g) District boards of education shall notify the Department on the Commissioner-prescribed form when transportation is provided for students pursuant to this section.

6A:27-1.5 Passengers

A district board of education shall ensure that only enrolled eligible public school students, eligible private school students, adults serving as chaperones, or authorized school personnel are transported.

6A:27-1.6 Insurance

- (a) Anyone providing for the transportation of a student(s) to and from school or school-related activities, or subcontracting to provide the services, shall furnish automobile liability insurance for bodily injury and property damage in a minimum amount of \$1,000,000 combined single limit per occurrence for all vehicles used for this purpose.
- (b) Insurance shall be obtained through a company authorized to issue insurance in New Jersey. The certificate of insurance shall name the resident district board(s) of education and any coordinated transportation services agency providing transportation services as an additional insured party to the policy. The certificate of insurance also shall name as an additional insured party to the policy the resident district boards(s) of education for which another district board of education or agency provides transportation.
 - 1. Parents or legal guardians transporting only their own child/children shall provide to the resident district board of education a copy of the certificate of automobile

liability insurance or the insurance declaration page and shall be exempt from naming the district board of education as an additional insured party to the policy.

- (c) Self-insured transportation contractors and district boards of education as provided in N.J.S.A. 48:4-12 and 13 shall file with the executive county superintendent a certificate of self-insurance.
- (d) Policies or certificates of insurance shall accompany all contracts or contract renewals when submitted to the executive county superintendent for approval.
- (e) Policies or certificates of insurance shall be submitted to the district board of education and the executive county superintendent whenever policies are amended, revised, or renewed.
- (f) Whenever a policy is cancelled, the insured shall notify the district board of education, all additionally insured parties to the policy, and the executive county superintendent within 48 hours of the insured's receipt of the cancellation notice and before the cancellation takes effect.

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. 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 be adjusted 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.

6A:27-2.2 Eligibility requirements

- (a) Elementary and secondary nonpublic school students must reside remote from their nonpublic school to be eligible for transportation services.

- (b) Only resident district boards of education that provide transportation to remote public school students attending public school programs other than vocational, special education, or other specialized programs shall be required to provide transportation services to eligible nonpublic school students.
- (c) The nonpublic school shall be located within the State not more than 20 miles from the student's home, and shall not be operated for profit in whole or in part.
 - 1. A county of the third class is defined as a county that does not border the Atlantic Ocean and has a population between 50,000 and 200,000. If a school district is located in a county of the third class with a population of between 80,000 and 120,000, based on the last U.S. Decennial Census, transportation services shall be provided to a nonpublic school located outside the State not more than 20 miles from the student's home.
 - 2. Students living more than 20 miles from their nonpublic school are eligible for transportation services when other remote students living in their municipality, but whose residences are less than 20 miles from the school, are transported to the same school. Students who live more than 20 miles from their nonpublic school and who reside in a regional or consolidated school district composed of only two constituent municipalities shall also be eligible for transportation services when other remote students living in either municipality are transported or the parents of other remote students living in either municipality receive aid in lieu of transportation. District boards of education may require students living more than 20 miles from the school to utilize existing school bus routes and stops established for students living within 20 miles of the school.
- (d) All nonpublic school students eligible for transportation or aid in lieu of transportation shall be enrolled in kindergarten through grade 12. Nonpublic school students shall meet the entrance age requirement for the public school students of their resident district board

of education in accordance with N.J.S.A. 18A:38-5 and 18A:44-2 to be eligible for transportation services.

- (e) Expenditures for nonpublic school transportation shall be limited to the annual maximum statutorily established amount per student in accordance with N.J.S.A. 18A:39-1. If the cost of transportation to the nonpublic school exceeds this amount, the resident district board of education shall not provide transportation but instead shall pay aid in lieu of transportation to the student's parents or legal guardians.

6A:27-2.3 Responsibilities of the resident district board of education

- (a) The resident district board of education shall document receipt of Nonpublic School Transportation Applications and shall determine students' eligibility for transportation.
- (b) The resident district board of education shall notify by August 1 of each year the nonpublic school student's parent(s) or legal guardian(s) and the nonpublic school administrator as to the determination of each Nonpublic School Transportation Application.
- (c) The resident district board of education shall prepare the Nonpublic School Transportation Certification form and shall submit it to the nonpublic school administrator in January and May for certification of each respective semester.
- (d) The resident district board of education shall evaluate the certified January and May Nonpublic School Transportation Certification form and, if approved by the resident district board of education, shall continue to provide transportation services. The resident district board of education shall send the Nonpublic School Transportation Payment Voucher for completion and signature to all parents or legal guardians of eligible students who are eligible to receive first and second semester aid in lieu of transportation payments. The resident district board of education shall pay aid in lieu of transportation

to a student's parents or legal guardians only after receipt of the completed voucher signed by the student's parents or legal guardians.

- (e) A resident district board of education shall consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.
- (f) A resident district board of education shall provide to the executive county superintendent, upon request, documentation that the criteria for bidding pursuant to N.J.A.C. 6A:27-2.1(b)3 has been utilized.

6A:27-2.4 Responsibilities of the nonpublic school administrator

- (a) The nonpublic school administrator shall obtain from the Department's website the application forms and procedures for nonpublic school transportation.
- (b) The nonpublic school administrator shall distribute the Nonpublic School Transportation Applications to the parents or legal guardians of students upon a child's registration in the nonpublic school, on an annual basis, and whenever a student has a change of address.
- (c) The nonpublic school administrator shall annually collect the Nonpublic School Transportation Application from the students' parents or legal guardians. The administrator also shall submit the completed applications to the students' resident district boards of education within 30 days of the students' registration in the nonpublic school or by March 15 of the school year preceding the school year in which transportation is to be provided.
 - 1. The nonpublic school administrator shall ensure the accuracy of the information contained in the application, except for the one-way mileage from a student's home to the nonpublic school.

- (d) The nonpublic school administrator shall submit the school calendar to the resident district board(s) of education responsible for providing transportation services by May 15 of the school year preceding the school year for which transportation is being requested.
- (e) The nonpublic school administrator shall certify that the named students were enrolled for the first and second semesters of the academic year using the Nonpublic School Transportation Certification. The nonpublic school administrator shall return the Nonpublic School Transportation Certification to the resident district board(s) of education at the time and in the manner prescribed by the resident district board(s) of education.
- (f) The nonpublic school administrator shall immediately notify in writing the resident district board of education when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the nonpublic school. Whenever a student has a change in address, a new Nonpublic School Transportation Application shall also be submitted to the resident district board of education.
- (g) The nonpublic school administrator shall immediately notify in writing the resident district board(s) of education when there is a change in the school location.

6A:27-2.5 Responsibilities of the parents or legal guardians of nonpublic school students

- (a) The parents or legal guardians annually shall submit a completed Nonpublic School Transportation Application to the nonpublic school administrator by March 10 preceding the school year for which transportation is being requested or at the time of registration in the nonpublic school if registration is after March 10.
 - 1. An eligible student shall receive transportation or aid in lieu of transportation based upon the date the application is received by the resident district board of education.

2. A new application shall be completed and submitted to the nonpublic school whenever the student has a change of address.
- (b) Upon request of the resident district board of education, parents or legal guardians eligible to receive aid in lieu of transportation shall complete and sign a Nonpublic School Transportation Payment Voucher and shall submit it to the resident district board of education.

6A:27-2.6 Responsibilities of the executive county superintendent

- (a) The executive county superintendent shall assist district boards of education and nonpublic school administrators in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of transportation services.
- (b) The executive county superintendent shall arbitrate any dispute(s) between district boards of education and nonpublic school administrators regarding student transportation.
 1. The district board of education or nonpublic school administrator shall submit to the executive county superintendent a written request for arbitration outlining the matter to be arbitrated.
- (c) The executive county superintendent shall convene at least once a year a meeting of representatives of all district boards of education and nonpublic school administrators in the county to discuss issues related to student transportation.

Subchapter 3. Charter School or Renaissance School Project Transportation

6A:27-3.1 General provisions

- (a) Transportation or aid in lieu of transportation shall be provided to charter school or renaissance school project students pursuant to N.J.S.A. 18A:39-1 et seq. A charter school shall be considered a public school offering a specialized program as established under N.J.S.A. 18A:36A-1 et seq., the Charter School Program Act of 1995. A

renaissance school project shall be considered a public school offering a specialized program as established under N.J.S.A. 18A:36C-1 et seq., the Urban Hope Act.

- (b) The resident district board of education shall be responsible for the transportation of students to and from a charter school or renaissance school project. Students who reside less than remote from their charter school or renaissance school project are eligible for transportation in accordance with the policies of the resident district board of education.
- (c) Eligible students shall receive transportation or aid in lieu of transportation based upon the date the applications for charter or renaissance school project transportation are received by the resident district boards of education.
- (d) Charter school students who reside in the school district in which the charter school is located and renaissance school project students residing within the renaissance school district shall be provided with transportation in the same manner as transportation is provided to other public school students residing within the school district in which the charter school or renaissance school project students reside.
- (e) The expenditure for the transportation of charter school students who reside outside of the school district in which the charter school is located shall be limited to the annual nonpublic school maximum statutorily established expenditure per student in accordance with N.J.S.A. 18A:39-1.
- (f) Transportation shall be provided to students in accordance with the charter school or renaissance school project calendar.
- (g) The executive county superintendent shall arbitrate any disputes regarding student transportation between district boards of education and the lead person of the charter school or renaissance school project.
 - 1. The district board of education or lead person of the charter school or renaissance school project shall submit to the executive county superintendent a written request for arbitration outlining the matter to be arbitrated.

- (h) Charter school or renaissance school projects may use general funds for nonmandated student transportation.
- (i) The Department will publish a Commissioner-prescribed Charter School and Renaissance School Project Transportation Application, Charter School Transportation Payment Voucher, and Charter School and Renaissance School Project Certification on its website. The Department will update the application, voucher, and certification, as necessary.

6A:27-3.2 Eligibility requirements

- (a) Charter school students and renaissance school project students residing within the renaissance school district, including preschool students who meet the eligibility requirements defined at N.J.A.C. 6A:27-1.3(a), who reside remote from the charter school or renaissance school project they attend are eligible for transportation services.
- (b) Students with disabilities attending a charter school or renaissance school project shall be eligible for transportation services if they meet the distance requirements of (a) above or if transportation is required in the student's individualized education program (IEP).
- (c) The charter school or renaissance school project shall be located within the State.

6A:27-3.3 Transportation within the school district

Eligible charter school students who reside in the school district in which the charter school is located and eligible renaissance school project students residing within the renaissance school district shall be provided transportation on the same terms and conditions as transportation is provided to students attending other public schools located within the school district in which the charter school or renaissance school project student resides.

6A:27-3.4 Transportation outside the school district

(a) Eligible charter school students who reside outside of the school district in which the charter school is located shall be provided transportation services within the annual nonpublic school maximum statutorily established expenditure per student in accordance with N.J.S.A. 18A:39-1.

1. If the cost of transportation exceeds the maximum allowable expenditure, a student's parents or legal guardians may pay the difference between the cost of transportation and the annual maximum or they shall be entitled to the maximum allowable expenditure as aid in lieu of transportation, as set forth in the resident district board of education notification pursuant to N.J.A.C. 6A:27-3.5(c). A student's parents or legal guardians shall notify in writing the resident district board of education of their choice of paying the additional amount or receiving aid in lieu of transportation. A student shall not be transported if his or her parents or legal guardians do not submit to the resident district board of education a written request for transportation services within seven days of receipt of the school district's notice; however, the student's parents or legal guardians shall still be entitled to the annual maximum allowable expenditure in lieu of transportation.
2. Once a student's parents or legal guardians notify the resident district board of education that they agree to pay the difference between the cost of transportation and the annual maximum statutorily established amount, the parents or legal guardians are no longer entitled to receive aid in lieu of transportation for that school year.
3. The payment of aid in lieu of transportation may be adjusted when the Charter School and Renaissance School Project Transportation Application is received by the resident district board of education after the start of the charter school's school

year or when the student withdraws from the charter school before the close of the charter school's school year.

4. Resident district boards of education shall pay to the parents or legal guardians of eligible charter school students aid in lieu of transportation for each half of the academic year. Payment shall be made after the Charter School and Renaissance School Project Certification verifying attendance is submitted by the lead person of the charter school, and the Charter School Transportation Payment Voucher is properly completed and returned by the parents or legal guardians to the resident district boards of education. Resident district boards of education shall not be required to pay aid in lieu of transportation when the payment voucher is received after the close of the fiscal year.
- (b) Resident district boards of education shall not be required to bid for transportation services but instead may pay aid in lieu of transportation when the request for transportation is received after the start of the school year.

6A:27-3.5 Responsibilities of resident district boards of education

- (a) Resident district boards of education shall determine eligibility and provide transportation to eligible charter school or renaissance school project students or aid in lieu of transportation to eligible charter school students.
- (b) Resident district boards of education shall establish policies and procedures for the provision of charter school transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1.
- (c) By August 1, the resident district board of education shall notify a charter school or renaissance school project student's parents or legal guardians and the lead person of the charter school or renaissance school project regarding the determination of the request for

transportation services. If applicable to the student, the resident district board of education's notification shall include:

1. The option for the parents or legal guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-3.4(a); and
 2. An explanation of the amount of the cost to the parents or legal guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a.
- (d) Resident district boards of education shall submit to the charter school or renaissance school project for January and May the Charter School and Renaissance School Project Certification forms.
- (e) Resident district boards of education shall send the Charter School Transportation Payment Voucher to the parents or legal guardians of eligible charter school students for the first and second semester aid in lieu of transportation payments.

6A:27-3.6 Responsibilities of the lead person of the charter school or renaissance school project

- (a) The lead person of the charter school or renaissance school project shall notify the district board of education in which each student resides of the need for transportation. Notification shall be given by March 15 preceding the school year in which transportation services are to be provided, or at the time of each student's registration in the charter school or renaissance school project if such registration occurs after March 15. This notification shall be submitted on the Charter School and Renaissance School Project Transportation Application and shall include the student's name, address, grade, one-way mileage from the student's home to the charter school or renaissance school project, and the name of the last school of attendance, if any. The lead person of the charter school or renaissance school project shall ensure the accuracy of the information

contained in the application, except for the one-way mileage from the student's home to the charter school or renaissance school project.

- (b) The lead person of the charter school or renaissance school project shall submit the school calendar to all district boards of education responsible for providing transportation services for students by May 15 preceding the school year in which transportation is being requested.
- (c) In January and May of each year, the lead person of the charter school or renaissance school project shall certify on the Charter School and Renaissance School Project Certification that the students were enrolled for each semester of the academic year. The lead person of the charter school or renaissance school project shall return the certification forms to the district board of education in which each student resides at the time and in the manner prescribed by the district board of education.
- (d) The lead person of the charter school or renaissance school project shall immediately notify in writing the resident district board of education when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the charter school or renaissance school project. Whenever a student has a change in address, the lead person of the charter school or renaissance school project shall submit a new Charter School and Renaissance School Project Transportation Application.
- (e) The lead person of the charter school or renaissance school project shall immediately notify in writing the district board of education in which each student resides whenever there is a change in the location of the charter school or renaissance school project.

6A:27-3.7 Responsibilities of the parents or legal guardians of charter school or renaissance school project students

- (a) At the time of enrollment in a charter school or renaissance school project and whenever there is a change of address, the parents or legal guardians of a charter school or

renaissance school project student shall provide the lead person of the charter school or renaissance school project with the student's name, address, grade, one-way mileage between the student's home and the charter school or renaissance school project, and the name of the last school of attendance, if any.

- (b) When a student lives outside of the school district in which the charter school is located, the student's parents or legal guardians shall notify in writing the resident district board of education of their choice of paying the amount in excess of the maximum statutorily established nonpublic school per student expenditure for transportation or receiving aid in lieu of transportation.
 - 1. A resident district board of education is not required to provide transportation to a charter school student if his or her parents or legal guardians do not submit a written request for transportation services; however, the parents or legal guardians shall still be eligible for the annual maximum statutorily established amount in lieu of transportation.
 - 2. The student's parents or legal guardians who choose to pay for transportation shall do so in the manner prescribed by the resident district board of education.
 - 3. The student's parents or legal guardians receiving aid in lieu of transportation shall submit a completed and signed Charter School Transportation Payment Voucher to the resident district board of education at the time and in the manner prescribed by the resident district board of education.

Subchapter 4. New Jersey Interdistrict Public School Choice Program Transportation

6A:27-4.1 General provisions

- (a) Transportation or aid in lieu of transportation shall be provided for choice program students pursuant to N.J.S.A. 18A:36B-22 and 18A:39-1 et seq. A choice district means as defined at N.J.S.A. 18A:36B-15. The choice district shall be considered a public

school district offering a specialized program established under N.J.S.A. 18A:36B-14 et seq., the Interdistrict Public School Choice Program Act. For purposes of this subchapter, the resident district board of education means the district of residence of a choice program student and shall have the same meaning as “sending district” as set forth at N.J.S.A. 18A:36B-15.

- (b) The transportation of students to and from a choice district school of attendance shall be the responsibility of the resident district board of education.
- (c) The Department will publish a Commissioner-prescribed Choice District Transportation Application, Choice Program Student Transportation Payment Voucher, and Choice District Transportation Certification on its website. The Department will update the application, voucher, and certification, as necessary.
- (d) Eligible choice program students shall receive transportation or aid in lieu of transportation based upon the date the choice district submits the Choice District Transportation Application to the resident district boards of education.
 - 1. The resident district board of education shall pay aid in lieu of transportation for each half of the academic year after the parents or legal guardians of the choice program student submit the Choice Program Transportation Payment Voucher to the resident district board of education.
 - 2. The resident district board of education shall not be required to pay aid in lieu of transportation when it receives the payment voucher after the close of the fiscal year.
- (e) The resident district board of education shall not be responsible for providing transportation services for choice program students residing less than remote or more than 20 miles from the school of attendance.
- (f) Transportation shall be provided to choice program students in accordance with the choice district’s calendar.

(g) The executive county superintendent shall arbitrate disputes regarding student transportation between resident district boards of education and the choice district's chief school administrator.

1. The resident district board of education or the choice district's chief school administrator shall submit in writing to the executive county superintendent a request for arbitration outlining the matter to be arbitrated.

6A:27-4.2 Eligibility requirements

(a) Students in kindergarten through grade eight, and preschool students who meet the eligibility requirements defined at N.J.A.C. 6A:27-1.2(a), who reside remote from the choice district school they attend shall be eligible for transportation services provided that the choice district school is not more than 20 miles from the student's residence and the cost of such services does not exceed the annual maximum statutorily established amount per student for nonpublic school transportation.

1. If the cost of transportation services exceeds the annual maximum statutorily established amount for nonpublic school students as set forth in the resident district board of education notification pursuant to N.J.A.C. 6A:27-4.3(c), the parents or legal guardians may submit to their resident district board of education a written request for transportation to be provided, including agreement to make the payment required pursuant to (a)1i below. The request shall be made within seven days of the parents or legal guardians' receipt of the resident district board of education's notification of eligibility for transportation.
 - i. If such a request is made, the resident district board of education shall provide transportation services, and the parents or legal guardians of the choice program student shall pay to the resident district board of education the difference between the cost of transportation and the annual

established maximum. Parents or legal guardians shall pay this amount in the manner prescribed by the resident district board of education.

- ii. The resident district board of education shall not be required to provide transportation to the choice program student if his or her parents or legal guardians do not submit to the resident district board of education a written request for transportation services within seven days of receipt of the resident district board of education's notice of eligibility for transportation; however, the parents or legal guardians shall still be eligible for the annual maximum statutorily established amount in lieu of transportation.

2. If the resident district board of education provides aid in lieu of transportation to the parents or legal guardians, the amount shall be consistent with the amount established for nonpublic school students at N.J.S.A. 18A:39-1 and payment may be adjusted for late registration or early withdrawal.

- (b) To be eligible for transportation services, students with disabilities attending a choice district school shall meet the distance requirements in (a) above or transportation must be a requirement of the student's individualized education program.

6A:27-4.3 Responsibilities of resident district boards of education

- (a) The resident district board of education of the choice program student shall determine eligibility and provide transportation or aid in lieu of transportation to eligible choice program students.
- (b) The resident district boards of education shall establish policies and procedures for the provision of choice program transportation in excess of the maximum statutorily established nonpublic school per student expenditure pursuant to N.J.S.A. 18A:39-1.

- (c) By August 1, the resident district board of education shall notify the choice program student's parents or legal guardians and the choice district's chief school administrator regarding the determination of the request for transportation services. If applicable to the student, the resident district board of education's notification shall include:
 - 1. The option for the parents or legal guardians to pay part of the cost for transportation for the student in order to receive transportation pursuant to N.J.A.C. 6A:27-4.2(a); and
 - 2. An explanation of the amount of the cost to the parents or legal guardians, including the total cost of transportation, and the annual maximum statutorily established amount pursuant to N.J.S.A. 18A:39-1a.
- (d) Resident district boards of education shall submit to the choice district the Choice District Transportation Certification for the January and May certifications.
- (e) Resident district boards of education shall send to eligible choice program student's parents or legal guardians the Choice Program Student Transportation Payment Voucher for the first and second semester aid in lieu of transportation payments.

6A:27-4.4 Responsibilities of the chief school administrator of the choice district

- (a) The choice district's chief school administrator shall notify the resident district board of education of the need for transportation. Notification shall be given by March 15 preceding the school year in which transportation services are to be provided, or at the time of each student's registration in the choice district school if such registration occurs after March 15. Notification shall be submitted on the Choice District Transportation Application, and shall include the student's name, address, grade, one-way mileage from the student's home to the choice district school, and the name of the last school of attendance, if any. The choice district's chief school administrator shall ensure the

accuracy of the information contained in the application, except for the one-way mileage from the student's home to the choice district school.

1. The choice district's chief school administrator shall obtain the Choice District Transportation Application from the Department's website.
- (b) The choice district's chief school administrator shall submit the school calendar to all district boards of education responsible for providing transportation services for choice program students by May 15 preceding the school year in which transportation is being requested.
- (c) In January and May of each year, using the Choice District Transportation Certification, the choice district's chief school administrator shall certify that the choice program students were enrolled for each semester of the academic year. The choice district's chief school administrator shall return the certification forms to the district board of education in which each student resides at the time and in the manner prescribed by the resident district board of education.
- (d) The choice district's chief school administrator shall immediately notify in writing the resident district board of education when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the choice district school. Whenever a student has a change in address, the choice district's chief school administrator shall submit a new Choice District Transportation Application.
- (e) The choice district's chief school administrator shall immediately notify in writing the resident district board of education whenever there is a change in the location of the choice district school of attendance.

6A:27-4.5 Responsibilities of parents or legal guardians of choice program students

- (a) At the time of enrollment in a choice district, and whenever there is a change of address, the choice program student's parents or legal guardians shall provide the choice district's

chief school administrator with the student's name, address, grade, one-way mileage between the student's home and the choice district school of attendance, and the name of the last school of attendance, if any.

- (b) When the cost of transportation services to the choice district school of attendance exceeds the annual maximum statutorily established amount for nonpublic school students, the choice program student's parents or legal guardians shall notify in writing the resident district board of education of their choice of paying the difference between the cost of transportation and the maximum statutorily established nonpublic school per student expenditure or receiving aid in lieu of transportation.
1. The resident district board of education shall not be responsible for providing transportation to the choice program student if his or her parents or legal guardians do not submit a written request for transportation services; however, the parents or legal guardians shall still be eligible for the annual maximum statutorily established amount in lieu of transportation.
 2. The choice program student's parents or legal guardians who choose to pay for transportation shall do so at the time and in the manner prescribed by the resident district board of education.
 3. The choice program student's parents or legal guardians receiving aid in lieu of transportation shall submit a completed and signed Choice Program Student Transportation Payment Voucher to the resident district board of education at the time and in the manner prescribed by the resident district board of education.

Subchapter 5. Transportation of Students with Disabilities

6A:27-5.1 Students with disabilities

- (a) Students with disabilities who have been determined to be eligible for special education and related services pursuant to N.J.A.C. 6A:14-3.5 or 3.6 shall be provided with

transportation in accordance with N.J.S.A. 18A:39-1 et seq., and with their individualized education program (IEP).

1. The district board of education shall provide transportation as required in the IEP. Such services may include, but are not limited to, special transportation equipment, transportation aides, and special arrangements for other assistance to and from school.
 2. When an out-of-district placement for educational reasons is made by a resident district board of education, transportation shall be provided consistent with the school calendar of the receiving school. The receiving school shall submit a copy of the school calendar to the resident district board of education by May 15 preceding the year in which transportation is required, or at the time of placement if it occurs after May 15.
 3. When necessary, the student's case manager shall provide the transportation coordinator and the bus driver with specific information including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided.
 4. Students with disabilities below the age of five shall be transported in vehicles equipped with safety belts or other child restraint systems.
- (b) The expenditure of the resident district board of education for the transportation of eligible charter school students with disabilities who reside outside the district in which the charter school is located and eligible choice program students with disabilities shall not exceed the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1.
1. If the cost of transportation exceeds the maximum allowable expenditure, the charter school or choice district shall pay the amount in excess of the annual maximum expenditure.

2. Under no circumstances shall the parent or guardian of the student with disabilities be responsible for payment of the cost of transportation services required by the student's IEP.

6A:27-5.2 Marie H. Katzenbach School for the Deaf

- (a) A district board of education shall be required to furnish transportation Monday through Friday to and from the Marie H. Katzenbach School for the Deaf (Katzenbach School) for nonboarding (nonresidential) students in accordance with N.J.S.A. 18A:39-1 et seq.
- (b) The Katzenbach School shall develop a general plan of transportation for residential students that includes the following:
 1. A determination of regional pick-up and drop-off sites and times;
 2. Transportation of students between the school and the established regional sites;
and
 3. The assignment of an adult monitor to each bus.
- (c) District boards of education shall be responsible for the transportation of residential students between established regional sites and the student's home in accordance with this subchapter.

Subchapter 6. Other Special Populations

6A:27-6.1 General provisions

Students governed by this subchapter shall be provided with transportation in accordance with N.J.S.A. 18A:39-1 et seq.

6A:27-6.2 Homeless students

- (a) When a homeless child attends a school in a school district other than his or her district of residence, the school district in which the child is enrolled shall provide transportation services and the district of residence shall pay for any transportation costs incurred by the transporting school district.
 - 1. When a homeless student is deemed domiciled in a school district pursuant to N.J.S.A. 18A:38-1.d, that school district shall become responsible for the cost of that student's transportation.
- (b) When a homeless child attends school in his or her district of residence, the district of residence shall provide transportation services.
- (c) When a homeless child attends school in his or her district of residence while temporarily residing in another school district, the district of residence shall provide for transportation to and from school.
- (d) When a district of residence cannot be determined and the State has assumed fiscal responsibility for the payment of tuition, the school district where the homeless child is enrolled shall provide transportation.
- (e) In implementing the transportation services required for a homeless child, district boards of education shall explore alternatives and provide the most economical and safest mode of transportation.

6A:27-6.3 Students residing in group homes

Transportation for students living in group homes shall be the responsibility of the resident district board of education. The resident district board of education shall be determined in accordance with N.J.S.A. 18A:7B-12.

6A:27-6.4 Students residing in resource family homes

- (a) Transportation for students placed in a resource family home on or prior to September 9, 2010, shall be the responsibility of the resident district board of education in which the resource family home is located and shall follow the requirements of N.J.S.A. 18A:39-1 et seq.
- (b) For students removed from the custody of their parent or legal guardian and placed in a resource family home or moved from placement in one resource family home to another after September 9, 2010:
 - 1. The student's school district of residence is the school district in which the student's parent or legal guardian was living at the time of the student's placement;
 - 2. When a student is placed in a resource family home that is located within the student's school district of residence, the school district of residence shall provide transportation services beginning on the sixth school day after the school district of residence receives the Educational Stability School District Notification generated by the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) pursuant to N.J.S.A. 30:4C-26b.h; and
 - 3. When a student is placed in a resource family home that is located outside of the student's school district of residence, the school district in which the resource family home is located shall arrange for transportation services in consultation with the school district of residence beginning on the sixth school day after the school district of residence receives the Educational Stability School District Notification generated by DCP&P pursuant to N.J.S.A. 30:4C-26b.h. The school district of residence shall be responsible for the cost of transportation.

6A:27-6.5 Students residing in shared custody homes

- (a) Transportation for students living in shared custody homes shall be the responsibility of the resident district board of education.
- (b) Resident district boards of education shall be responsible for transportation of a student living in shared custody homes from only one residence within the school district.
- (c) The resident district board of education shall be determined in the same manner as prescribed by N.J.A.C. 6A:22-3.1 whether the student's parents or legal guardians are domiciled within different homes in the same school district or in different school districts.

Subchapter 7. Vehicle Use and Standards

6A:27-7.1 General provisions

- (a) Vehicles used to transport students to and from school or school-related activities shall meet the vehicle standards, registration, and inspection requirements of the New Jersey Motor Vehicle Commission (NJMVC). The vehicles shall be systematically inspected twice each year and shall display a current vehicle inspection sticker authorizing the vehicle for school use.
 - 1. A vehicle that is being used as a common carrier on a preset franchised route and schedule, or is chartered for school-related activities, is exempt from the requirement to have authorization for school use on the vehicle inspection sticker, as long as the vehicle displays a current certificate indicating that the vehicle was inspected by the NJMVC's Commercial Bus Unit.
- (b) District boards of education and all other owners of school vehicles shall consult and comply with all Federal and State statutes and regulations governing school transportation vehicles and all NJMVC regulations pertaining to school transportation.

6A:27-7.2 Capacity

- (a) The number of students assigned to a seat shall not exceed the gross seating length in inches divided by 15. The maximum number of students who may be transported in each vehicle shall be determined by this seat measurement. Application of this formula shall not result in the use of a school vehicle with a seating capacity in excess of 54.
- (b) There shall be no standees.
- (c) This section shall not apply to a bus that is being used as a common carrier on a preset franchised route and schedule or is chartered for school-related activities.

6A:27-7.3 Retirement of school buses

School buses shall be retired in accordance with N.J.S.A. 39:3B-5.1 and 5.2.

6A:27-7.4 Small vehicles

- (a) A small vehicle is defined as a vehicle that was originally designed by the manufacturer with a seating capacity of 10 or fewer persons, including the driver, and that is used to transport students to and from school or school-related activities.
- (b) Small vehicles with a gross vehicle weight rating (GVWR) of less than 3,000 pounds shall not be used for the transportation of students to and from school or school-related activities. The GVWR is the value specified by the manufacturer as the maximum loaded weight of the vehicle.
- (c) This section's provisions shall apply to a small vehicle used for the transportation of public school students to and from school and school-related activities and nonpublic school students when services are provided by a district board of education.

6A:27-7.5 School buses

- (a) A school bus is defined as a vehicle originally designed by the manufacturer with a capacity of 11 or more persons, including the driver.
- (b) School buses shall comply with all New Jersey Motor Vehicle Commission regulations for the manufacture of school buses.

6A:27-7.6 Transportation to and from school-related activities

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.

6A:27-7.7 Parent or legal guardian transporting his or her own child or children

- (a) A parent or legal guardian under a negotiated contract with a district board of education to transport only his or her own child or children shall not be required to do the following:
 - 1. Possess a commercial driver's license;
 - 2. Use a vehicle registered as a school bus; or
 - 3. Comply with the health examination prescribed for employees of the district board of education.

6A:27-7.8 Use of school buses other than to and from school and school-related activities

- (a) The following words and terms shall have the prescribed meanings when used in this section unless the context clearly indicates otherwise:

“Contiguous school district” means a school district adjoining and adjacent to another school district and sharing in some part a common boundary within the State. For a regional school district, a contiguous school district shall be an adjoining and adjacent school district that shares in some part a common boundary with the total regional school district.

“Group” means 10 or more persons.

“Senior citizens” means State residents who are 60 years of age or older and their spouses. Spouses of senior citizens may be less than 60 years of age.

- (b) The district board of education may permit the use of school buses, owned or leased by the school district, for the purposes in (b)1, 2, and 3 below. Events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional, and health programs and activities.
1. Transporting senior citizens’ groups to and from events within the school district or in any contiguous school district;
 2. Transporting disabled citizens in any school district; and
 3. Transporting children and adults participating in a recreation or other program operated by the municipality(ies) in which the school district is located or the municipality in which any constituent school district of a regional school district is located.
- (c) The district board of education shall adopt a policy addressing the transportation of the groups in (b) above. The policy shall require groups seeking the use of school buses to pay all or part of any costs incurred by the district board of education in permitting such use. The costs shall include, but not be limited to, fuel, driver salaries, insurance, and depreciation.

- (d) The district board of education may approve the use of school buses by the groups, at (b) above. Such use shall not interfere with the transportation of school students.
- (e) Buses shall be operated only by a person having a valid commercial driver's license with appropriate endorsement(s) required by the New Jersey Motor Vehicle Commission.
- (f) School bus warning lamps shall not be used when transporting the groups at (b) above.
- (g) School buses, when used to transport the groups in (b) above, shall load and unload off the public roadway so as not to interfere with traffic.
- (h) District boards of education using buses for the transportation of the groups at (b) above shall maintain proof of insurance coverage for such transportation. Insurance coverage shall include liability for bodily injury and property damage in the minimum amount of \$1,000,000 combined single limit per occurrence for all vehicles used for this purpose.

6A:27-7.9 Vehicle records

School bus owners shall retain all records of inspection and maintenance reports for the life of the vehicle. Such records shall be available for review by the New Jersey Motor Vehicle Commission.

6A:27-7.10 Contracting for advertisements on school buses

- (a) A district board of education may sell advertising space on the exterior of a school bus owned or leased by the district board of education in accordance with this section and N.J.A.C. 6A:27-7.11 and 7.12.
 - 1. All advertisements shall require the prior approval of the district board of education.
 - 2. The Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by a district board of education for the purpose

of placing advertising on school buses owned or leased by the district board of education.

3. The advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the district board of education.
4. In the event the advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.
5. The district board of education reserves the right, at its absolute discretion and at any time, to reject any advertising copy, whether or not the district board of education has previously acknowledged and/or advertised the exact or similar copy.
6. No advertising space may be used or re-sold by the advertiser for the direct or indirect promotion of any business, organization, or enterprise other than the one defined in the original contract for advertisement.
7. The advertiser will protect, defend, and save harmless the district board of education from any suits or actions of every nature and description brought against it by reason of the advertisement.
8. Funds generated from the placement of advertisements on the outside of school buses owned or leased by a district board of education shall be limited to the following uses:
 - i. Fifty percent of the revenue shall be used to offset fuel costs associated with the provision of student transportation services; and
 - ii. Fifty percent of the revenue shall be used to support any programs or services deemed appropriate by the district board of education.

6A:27-7.11 Limitations on content of advertisements on school buses

- (a) The district board of education shall not accept advertisements to be displayed or maintained on school buses owned or leased by the district board of education if the advertisement, or information contained in the advertisement:
1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
 2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;
 3. Promotes unlawful or illegal goods, services, or activities;
 4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
 5. Promotes the sale or use of products designed for use in connection with sexual activity;
 6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
 7. Resembles a traffic control device;
 8. Declares or implies an endorsement by the district board of education; or
 9. Is political, religious, issues-related, controversial in nature, or not age appropriate.
- (b) The district board of education shall not allow any of its school buses to become a public forum for dissemination, debate, or discussion of public issues.
- (c) The district board of education may reject any and all advertising that the district board of education deems to be inappropriate or not in the best interest of the district board of education, the school district, or students.

6A:27-7.12 Reporting requirements for advertisements on school buses

(a) District boards of education that permit advertisements on school buses owned by the district board of education shall submit a report to the Commissioner of Education no later than June 30 each year. The report shall include the following information:

1. The number of district-owned school buses upon which advertising has been placed;
2. The length of time the advertisements have been on the school buses; and
3. The total revenue earned by the district board of education as a result of the advertisements.

6A:27-7.13 School bus sensor system

(a) The following words and terms shall have the following meanings when used in this section, unless the context clearly indicates otherwise:

“School bus” means as set forth in N.J.S.A. 39:1-1.

“Sensor system” means a system utilizing technology such as, but not limited to, radar, video, sound, or infrared technology that shall be capable of detecting the presence of a person(s) or object(s) as measured by the placement of a 12-inch high by 12-inch diameter cylinder within a minimum area defined as follows:

1. For vehicles with a GVWR of 10,000 pounds or less, five feet laterally to each side and extending 10 feet frontward from the center of the vehicle’s front bumper, and five feet laterally to each side and extending 10 feet rearward from the center of the vehicle’s rear bumper; or
2. For vehicles with a GVWR over 10,000 pounds, 10 feet laterally to each side and extending 10 feet frontward from the center of the vehicle’s front bumper, and 10 feet laterally to each side and extending 10 feet rearward from the center of the vehicle’s rear bumper.

- (b) Every school bus, as defined in this section, manufactured after April 16, 2018, shall be equipped with a sensor system as defined in this section.
 - 1. This subsection shall not be construed to prohibit the equipping of a school bus with a sensor system to determine the presence of a person(s) or object(s) in the side areas of the school bus, in addition to the front and rear of the bus.
- (c) The sensor system shall include an audible and visual alert signal placed in the driver's compartment to alert the driver when a person(s) or object(s) is detected within the sensor's designated area or a video monitor placed in the driver's compartment relaying the image of the sensor's designated area.
 - 1. The audible alert signal for the sensor shall be a sound that is distinctive from all other audible alert signals on the bus.
 - 2. The alert signal shall identify for the driver the location near the vehicle in which the person(s) or object(s) is detected, except when a video monitor is used.
- (d) The rear sensor system shall activate only and always with the engagement of reverse gear and shall deactivate when the reverse gear is disengaged.
- (e) The front sensor system shall activate in any gear other than reverse gear every time any passenger entrance door opens. The front sensor system shall deactivate:
 - 1. With the engagement of reverse gear; and
 - 2. When in any gear other than reverse, after all passenger doors are closed and:
 - i. The vehicle has reached a speed of 10 miles per hour; or
 - ii. Ten seconds have elapsed after closure of the passenger door(s).

6A:27-7.14 Mobility assistance vehicles

- (a) Any district board of education, governing body of a nonpublic school, or State agency may authorize a person certified as a mobility assistance vehicle technician to transport a

student with medical needs in a mobility assistance vehicle to and from school or school-related activities, in accordance with N.J.S.A. 18A:39-20.1.

1. “Student with medical needs” means a school-aged child who suffers from a life-threatening medical condition and, as a result of such condition, requires more individualized and continuous care.
- (b) Such vehicles shall be exempt from all registration, equipment, inspection, and maintenance requirements imposed on the transportation of students by a school bus.

Subchapter 8. State Aid

6A:27-8.1 General provisions

- (a) District boards of education shall be entitled to State transportation aid for eligible resident public and nonpublic school students in accordance with N.J.S.A. 18A:7F-57.
- (b) State aid shall be calculated according to the transportation funding formula and administered in the manner determined by the Commissioner.
- (c) District boards of education shall submit to the Department all data necessary for the calculation of State transportation aid.

6A:27-8.2 School transportation efficiency and corrective action plans

District boards of education shall submit to the Department all data for the calculation of their vehicle utilization rating and shall submit corrective action plans and reports, as necessary, in the manner prescribed by the Commissioner.

Subchapter 9. Contracting for Transportation Services

6A:27-9.1 General provisions

- (a) District boards of education shall administer student transportation contracts in accordance with this subchapter. District boards of education may assign their

transportation contracts to another district board of education upon approval of both district boards of education.

- (b) Any contract drawn that fails to meet this subchapter's requirements shall be set aside by the district board of education.
- (c) All contracts require the approval of the executive county superintendent.
 - 1. Notwithstanding the executive county superintendent's contract approval, State aid shall be subject to modification by the Commissioner for good cause shown.
- (d) All bidding practices shall be designed to prevent fraud, favoritism, and extravagance, to safeguard taxpayers, and to protect the lowest responsible bidder.

6A:27-9.2 Responsibilities of district boards of education

- (a) Prior to the opening of school and in sufficient time to publicly advertise for bids, district boards of education shall assess their student transportation needs. If the assessment indicates that student transportation services are anticipated or in the aggregate will exceed the statutory bid limit, except for contracts qualifying for renewal under N.J.S.A. 18A:39-3, all transportation services shall be bid in accordance with N.J.S.A. 18A:39-3.
 - 1. District boards of education shall assess their school-related activities transportation needs. The transportation shall be bid if the assessment indicates services are anticipated or in the aggregate will exceed the statutory bid limit, except for contracts qualifying for renewal.
 - 2. The resident district board of education shall not be required to bid for nonpublic school, charter school, and choice program transportation services when the services are provided: utilizing a district-owned vehicle or public transportation; through a renewal of an existing contract qualifying for renewal under N.J.S.A. 18A:39-3; or through an agreement with another district board of education.

- (b) District boards of education shall have the option of annually bidding all transportation contracts or awarding annual extensions of existing contracts. No contract for the transportation of students to and from school or school-related activities shall be made when the amount to be paid during the school year for such transportation exceeds the bid threshold limit, unless the district board of education making the contract has first publicly advertised for bids. Such advertisement shall be published once in a newspaper circulating in the school district at least 10 days prior to the date fixed for receiving proposals for the transportation. All bids shall be advertised and shall include the identification number of the bid and the time and place for submission of proposals to the district board of education. No proposal shall be opened prior to the hour designated in the advertisement and none shall be received thereafter. The district board of education or designated official shall unseal bids in the presence of individuals in attendance and shall publicly announce the contents.
- (c) District boards of education shall designate a committee, official, or an employee to prepare the specifications for which bid proposals are sought. Prior to the advertisement for bids, a copy of the specifications shall be submitted to the executive county superintendent for review for compliance with this chapter. The specifications and advertisement for bids shall be approved and authorized by formal action of the district board of education.
- (d) The officer of the district board of education responsible for distributing specifications to prospective bidders shall maintain separate lists of bidders and of all persons who take copies of the specifications.
- (e) If any person operating a school bus under contract with a district board of education fails to comply with any of the rules governing student transportation, the district board of education shall immediately notify such person in writing of his or her failure to comply.

1. If the violation is repeated, the district board of education may require the violator to show cause at a hearing why his or her failure to comply should not be deemed a breach of contract.
2. If the district board of education after due notice and hearing determines that a breach of contract exists, the district board of education may call upon the bondsperson or surety company to perform the contract or to reimburse the district board of education for any financial loss resulting from the breach of the contract. The district board of education also may annul the contract.

6A:27-9.3 Bid specifications

- (a) Specifications drawn for purposes of competitive bidding shall be drafted in a manner designed to encourage free, open, and competitive bidding. Specifications shall not knowingly discriminate, **or** exclude prospective bidders by reason of the impossibility of performance or bidding by any one bidder. The bid specifications shall be definite, precise, impose common standards, and protect against discrimination in accordance with N.J.S.A. 10:5-31 et seq. When bid specifications are formed to deter rather than to invite genuine competition, an award to the favored bidder shall be set aside.
- (b) Any revisions to the bid specifications shall be furnished to all prospective bidders and shall not restrict competitive bidding. Modifications to the specifications shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received by all prospective and actual bidders in advance of the submission of bids. If a district board of education finds it has made in good faith a mistake in its specifications that cannot be corrected, bids shall be rejected and re-advertised.
- (c) Variations from the bid specifications required by this subchapter shall be reasonable and are subject to review by the Commissioner.

(d) Bid specifications shall contain a number to identify each bid and language that requires contractors to comply with all current applicable State and Federal laws pertaining to student transportation. Bid specifications shall be prepared to include, but not be limited to, the subchapter's requirements.

1. The bid specifications shall include a separate route description for each individual route to and from school.

i. A route is a selected or an established course of travel by a vehicle with definite stops for the purpose of loading and unloading students. A route for the transportation of general education public school students shall be described from the first bus stop to the destination listing each street traveled and the schedule for arriving and departing.

ii. A route for the transportation of students with disabilities, vocational school students, and nonpublic school students shall be described listing, at a minimum, each bus stop, the schedule for arriving and departing, and the vehicle capacity. The statement "the direction of the vehicle from the last stop shall be along the safest most direct route to the destination" shall also be included in the route description. In addition, it shall include language that requires the successful bidder to submit to the district board of education, within 10 days of the start of the contract, a description of the actual streets traveled.

iii. Transportation routes shall be arranged so buses transverse highways that serve the largest number of students within a reasonable time limit and at a minimum cost.

2. The trip description for school-related activities transportation shall include the vehicle type and capacity and may include, but not be limited to, the following criteria to define the basis of the bid:

- i. The destination(s);
 - ii. The time of departure and return;
 - iii. The need for special equipment and instructions;
 - iv. The need for an aide; and
 - v. The number of vehicles required per trip.
3. The bid specifications shall state that the district board of education reserves the right to change the route or trip upon approval of the executive county superintendent. If any change results, adjustment in the contract price shall be made in accordance with the bid.
4. The specifications shall include language that describes the following district board of education requirements:
- i. Procedures for a change in route or trip schedule and emergency school closings;
 - ii. The cancellation of the contract;
 - iii. The limits of automobile liability insurance to be provided by the contractor;
 - iv. The types of bid guarantee and performance surety bond to be provided by the contractor;
 - v. The term of the contract, including payment terms;
 - vi. The need for specialized equipment or restrictions due to student classification, if applicable;
 - vii. The criteria to be used to award a contract in the case of a tied bid;
 - viii. A copy of the school calendar for routes to and from school; and
 - ix. A statement of disclosure of political contributions in accordance with N.J.S.A. 19:44A-20.13 et seq.

5. The bid specifications also shall include language that prohibits the subcontracting of contracts without prior written approval of the district board of education and, with the exception of contracts awarded on a per student basis, the commingling of students unless authorized to do so by the district board of education through the joint transportation agreement process.
 6. District boards of education may include penalty language for noncompliance with the terms of the contract.
- (e) The district board of education shall include language that directs bidders to submit the following documents and forms prescribed by the Commissioner to be made part of the bid specifications and the contract:
1. A bid sheet for transportation to and from school shall contain a provision for the bid to be made on a per diem or per annum basis, and on a per route basis, for general education public students, nonpublic students, and students with disabilities. In addition to being bid on a per route basis, transportation for students with disabilities outside the school district may also be bid on a per vehicle, per student, or per mile basis;
 - i. The bid sheet shall identify each route to be bid and include a separate cost for adjusting the contract. Cost adjustments on a per mile basis are required for regular public and nonpublic school routes and in-district special education routes, and on a per mile, per student, or per vehicle basis for out-of-district special education routes. The cost of adjusting the contract shall be the same whether it is being increased or decreased.
 - ii. Routes that require an aide shall be bid on a per diem basis.
 - iii. The bid sheet shall include a separate provision for the per diem cost for each aide to be assigned to the route.

- iv. If an aide is not required at the time of the bid, but the district board of education has decided to obtain an aide cost in case an aide is needed at a later date, the bid specifications shall include such language. The aide cost shall not be used if the need for the aide is unknown when determining the low bidder.
 - v. The per diem cost of adding or removing an aide shall be the same.
 - vi. The bid sheet may include a separate provision to request bulk and combination bids.
 - vii. Except for school-related activities transportation, bids that do not include an adjustment provision shall not be considered by the district board of education.
 2. The bid sheet for school-related activities transportation shall include a provision for bids to be made on an hourly rate per vehicle or a per trip rate per vehicle, and shall include a separate provision for an aide cost, if required.
 - i. The bid sheet shall contain an identification number for each bid solicited on an hourly rate per vehicle or a per trip rate per vehicle.
 - ii. The bid sheet shall contain a separate provision for adjusting the contract on a per hour or per mile basis if an adjustment is solicited by the district board of education.
3. A business registration certificate;
4. A bidder's questionnaire and consent of surety;
5. A statement of ownership disclosure;
6. An affirmative action questionnaire;
7. A non-collusion affidavit;
8. Proof of the ability to obtain automobile liability insurance coverage required by the specifications; and

9. A Coordinated Transportation Services Agency membership form.

6A:27-9.4 Responsibilities of the bidder

- (a) Bidders or their agents shall not draft specifications or route descriptions to be advertised for bid.
- (b) The bidder shall complete and submit the bid on the bid sheet contained in the specifications. Bids shall include a separate cost for adjusting the contract.
- (c) Bidders shall not submit unsolicited alternate bids.
- (d) Bids are to be placed in a sealed envelope and submitted in the manner specified by the district board of education.
- (e) Bidders shall submit a guarantee payable to the district board of education to ensure that the successful bidder will enter into that contract, if awarded, and furnish a performance surety bond.
 1. The guarantee to be submitted shall be a certified check, cashier's check, or bid bond as required by the district board of education. No other form of guarantee is authorized.
 2. The bid bond or cashier's or certified check shall be forfeited upon refusal of the successful bidder to execute a contract; otherwise, the guarantee shall be returned when the contract is executed and a performance bond filed.
- (f) A surety bond for the performance of the contract for transportation to and from school equal at least to the amount of one year of the contract shall be provided to the district board of education. In the case of contracts for more than one year, the bond may be for an amount in excess of the proportionate annual contract amount as determined by the district board of education.

- (g) A surety bond for the performance of the contract for transportation for school-related activities shall be provided to the district board of education as required by the specifications.
- (h) A surety bond shall be provided for the faithful performance of all provisions of the specifications and for all matters that are contained in the notice to bidders and relate to the performance of the contract.
- (i) The performance surety bond shall be either a corporate or personal surety bond as required by the district board of education.
- (j) The performance surety bond shall be submitted to the district board of education with an executed contract prior to the start date of the contract.

6A:27-9.5 Bidder's guarantee

- (a) The district board of education may require the guarantee to be submitted in the form of a certified check, cashier's check, or bid bond. No other form of guarantee is authorized.
 - 1. The bidder guarantee shall include the number assigned to the bid for which guarantee is submitted.
- (b) The amount of the bidder's guarantee shall be a minimum of five percent of the bid, not to exceed \$50,000.
- (c) Except for the three lowest bidders, the guarantee shall be returned to the bidders within 10 business days after the opening of the bids.

6A:27-9.6 Performance surety bond

- (a) A surety bond for the performance of contracts and contract renewals for transportation to and from school equal at least to the amount of one year of the contract shall be required by the district board of education. In the case of contracts for more than one year, the bond may be for an amount in excess of the proportionate annual contract

amount as determined by the district board of education. The district board of education may require a performance surety bond furnished by a corporate surety company recognized by the State Department of Banking and Insurance as being authorized to do business in the State or may permit a personal surety bond.

1. Contracts awarded on a per diem basis shall be bonded in the per annum amount based on the actual number of days transportation is required by the school calendar or may be in the per annum amount based on 180 days.
 2. Contracts for school-related activities transportation shall be bonded for an amount to be determined by the district board of education.
 3. The district board of education may require a performance surety bond for quoted contracts pursuant to N.J.A.C. 6A:27-9.12.
 4. Personal bonds shall be submitted on the personal surety bond form prescribed by the Commissioner. The bond shall be signed by at least two responsible sureties who are residents of New Jersey, neither of whom shall be a member of the district board of education, and shall include the multi-contract number(s) or route number(s) guaranteed by the bond.
 - i. The district board of education may reject an individual surety offer, and may request a certification that each individual's net worth is sufficient to guaranty the bond.
 5. The corporate bond shall be issued in the name of the school bus contractor with whom the district board of education holds the contract and shall be signed by the contractor and authorized agent of the bonding company. The bond shall also include the multi-contract number(s) or route number(s) guaranteed by the bond.
- (b) If it is necessary to replace an existing corporate or personal surety bond, the contractor shall furnish a new surety bond as required by the original bid. The contractor may

substitute a corporate bond for a personal bond with the approval of the district board of education.

6A:27-9.7 Bulk and combination bids

- (a) District boards of education may receive bulk and combination bids.
 - 1. A bulk bid is a bid that is awarded for a lesser price than the sum of the individual bids when all routes advertised in the bulk bid are awarded to one bidder.
 - 2. A combination bid is a bid that is designed by the district board of education and groups specified routes together to be serviced by the contractor utilizing the same vehicle for all routes in the group.
- (b) Bulk and combination bids shall include individual route or contract costs.
 - 1. Bulk bids shall contain a percentage deduction that shall be applied to each route or contract bid price when all routes or contracts contained in the bulk bid are awarded to a single bidder.
- (c) Bulk bidding shall not be used to eliminate competitive bidding.

6A:27-9.8 Receiving and opening bids

- (a) Unless the proposals are to be received at a district board of education meeting, a committee, an officer, or an employee of the district board of education shall be designated to receive the proposals at a time and place designated by the district board of education and stated in the bid advertisement. At the time and place so designated and advertised, the district board of education or board-designated committee, officer, or employee shall receive the proposals and proceed to unseal them and publicly announce their contents. No proposals shall be opened before the time designated in the advertisement and none shall be received thereafter.
- (b) The district board of education may reject any or all bids.

- (c) After bids are opened, a district board of education shall not impose new conditions and bidders shall not be allowed to change bids or make oral bids. Specifications shall not be modified after bids have been received and the contract shall not be awarded to one of the bidders upon revised specifications.
- (d) Bulletins issued to explain minor details of specifications and to make minor changes shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received by all prospective and actual bidders in advance of the submission of bids. The officer of the district board of education responsible for distributing specifications to prospective bidders shall keep a list of their names and addresses so that bulletins can be issued to them, if necessary. If a district board of education finds it has made in good faith a mistake in its specifications that cannot be corrected, bids shall be rejected and re-advertised.

6A:27-9.9 Contracts

- (a) The term of the original contract shall not exceed four years.
 - 1. Beginning in the second year, a multi-year contract may be increased annually by a maximum of seven and one-half percent of the original yearly contract amount in accordance with N.J.S.A. 18A:39-2.
- (b) All contracts or contract renewals for student transportation shall be made on Commissioner-prescribed forms, and shall be submitted by the district board of education to the executive county superintendent for approval within 30 days after the award of the contract or by September 1 of the school year in which transportation is to be provided.
- (c) New contracts submitted to the executive county superintendent shall be accompanied by the bid specifications, all documents required by the specifications to be submitted by the bidder, a copy of the newspaper bid advertisement, and a certified extract of the minutes of the district board of education authorizing the contract.

- (d) Contract renewals submitted to the executive county superintendent shall be accompanied by a certified extract of the minutes of the district board of education authorizing the contract and copies of the contractor's certificate of insurance, affirmative action documentation, and performance surety bond.
- (e) Negotiated contracts between a district board of education and a parent or guardian transporting only his or her own child(ren) shall be accompanied by a certified copy of the minutes of the district board of education authorizing the contract, a certificate of insurance, and a copy of the parent's or legal guardian's valid driver's license and vehicle registration.
- (f) When submitting new contracts to the executive county superintendent, the district board of education shall also submit a summary of all bids received. If a contract is not awarded to the lowest bidder, a statement by the district board of education attorney justifying the contract award shall accompany the summary.
- (g) All transportation contracts shall be approved by the executive county superintendent regardless of whether State aid is involved.
- (h) Notwithstanding the executive county superintendent's approval, State aid shall be subject to modifications by the Commissioner for good cause shown.

6A:27-9.10 Awarding contracts

- (a) Contracts shall be awarded to the lowest responsible bidder by formal action of the district board of education during a public meeting.
 - 1. The district board of education meeting minutes authorizing the award of a contract shall include the contractor's name, route numbers, and individual route costs of all bidders who submitted bids.

2. A contract that is not awarded to the lowest bidder shall be accompanied by a statement by the district board of education's attorney justifying the contract award.
- (b) The district board of education shall not delegate its power to enter into a transportation contract.
- (c) The district board of education shall not consider bids that do not include a separate cost for adjusting the contract.
- (d) The district board of education shall not consider unsolicited alternate bids for award.
- (e) Any award of a contract made by a district board of education after advertisement shall be according to the terms advertised to prospective bidders. Each bidder shall be compelled to conform to every substantial condition imposed upon other bidders.
- (f) After a contract has been awarded, a bidder cannot be relieved from conforming to the conditions imposed in the specifications and cannot substitute something that does not conform to the specifications.
- (g) A district board of education shall not reject the lowest bid upon the ground that the bidder is not responsible without giving him or her a hearing upon the facts. To determine that a bidder is not responsible, the district board of education after notice and a public hearing must find as a fact that the bidder is so lacking in experience, financial ability, equipment, and facilities to justify that he or she would be unable to carry out the contract, if awarded.
- (h) The lack of ability upon the part of a contractor to work in harmony or the district board of education's inability to enforce the terms of a previous contract cannot be controlling factors in determining the bidder's responsibility. Disputes involving controverted questions of fact with reference to the performance of a previous contract do not constitute grounds for declaring a bidder irresponsible, if the disputed matters can be

taken care of under a contract properly safeguarding the public interest with a contractor who is financially responsible.

- (i) A district board of education may disqualify a bidder who would otherwise be determined to be the lowest responsible bidder for a student transportation contract, if the district board of education finds that it has had prior negative experience with the bidder. The disqualification shall be for a reasonable, defined period of time not to exceed three years, and shall be made by resolution approved by majority of the district board of education.

1. Prior negative experience may be any one of the following:

- i. The bidder has been determined to be “nonperforming” under a student transportation contract after a hearing that shall include the bidder, the superintendent, and the executive county superintendent. The executive county superintendent shall make a determination as to nonperformance, which may be appealed to the Commissioner.

- (1) To facilitate the executive county superintendent’s determination, the district board of education shall submit to the executive county superintendent all documentation in support of its position that the bidder is “nonperforming.” The district board of education also shall provide a copy of the documentation to the bidder.

- (2) The bidder shall have 14 days from receipt of the district board of education’s submission to submit a written response to the executive county superintendent.

- (3) If the executive county superintendent determines there are no facts in dispute, the executive county superintendent’s determination as to nonperformance may be decided summarily

based on the submissions in writing by the district board of education and the bidder.

- (4) If the executive county superintendent determines there are facts in dispute, he or she shall hold a hearing in accordance with N.J.S.A. 18A:39-11.3.
- (5) The executive county superintendent shall issue a written decision within seven days of the hearing or submission by the bidder;
 - ii. The bidder defaulted on a transportation contract requiring the district board of education to utilize the services of another contractor to complete the contract;
 - iii. The bidder defaulted on a transportation contract requiring the district board of education to look to the bidder's surety for completion of the contract or tender of the costs of completion; or
 - iv. The bidder has at least a 10 percent ownership in any contractor that had prior negative experience with the district board of education.

6A:27-9.11 High, collusive, or no bids

If no bids were received on two occasions, or bids were rejected on two occasions by the district board of education because they were too high, contracts may be awarded pursuant to N.J.S.A. 18A:18A-5.c and d.

6A:27-9.12 Quoted contracts

- (a) Quotations for unanticipated transportation services may be sought after the opening of school. All anticipated transportation services shall be bid. The process of soliciting quotations shall not be used by the district board of education to intentionally split

transportation routes into smaller parts to avoid reaching the statutory bid threshold for transportation pursuant to N.J.S.A. 18A:39-3.

(b) Quoted contracts may be issued for unanticipated transportation services provided the following requirements are met:

1. At least three quotations shall be sought and documented;
2. Quotations shall be solicited on a per diem basis and may include a provision to adjust the quotation within the bid threshold;
3. Quoted contracts under the bid threshold may be in effect for the balance of the school year;
4. Quoted contracts over the bid threshold shall be issued for a period of time that will not cause the contract to exceed the bid threshold. The competitive bid process shall be completed within this timeframe, and awarded contracts implemented for the balance of the school year; and
5. Quoted contracts shall not be renewed but shall be included in the aggregate cost of transportation services for the ensuing school year.

(c) The district board of education's submission of quoted contracts to the executive county superintendent for approval shall be accompanied by a certified copy of the district board of education meeting minutes authorizing the contract, copies of the contractor's certificate of insurance, performance surety bond, if applicable, and evidence of three quotes.

6A:27-9.13 Renewing contracts

(a) Annual extensions of an existing contract, approved by the executive county superintendent, shall be permitted provided:

1. The contract was entered into through competitive bidding;
2. The terms of the contract remain the same;

3. There is no increase in the annual amount of the contract to the district board of education, or the increase in the contractual base amount as a result of such extension does not result in an effective increase that exceeds for the school year the annual rise in the Consumer Price Index (CPI) as defined in N.J.S.A. 18A:7F-45, regardless of whether the route description has changed or an aide has been added or removed. The increase may exceed the rise in the CPI when the increase, as provided for in the original bid, is directly attributable to the addition of an aide, a route change to accommodate a new student rider, or safety concerns. Any such extension shall require the approval of the executive county superintendent.
 - i. The contractual base amount is the sum of the actual cost to the district board of education for items included in the bid at the end of the term of the contract in the prior year; and
 4. The school destination remains the same as the original contract.
 - i. Destination is defined as the physical location of the school(s).
- (b) When it is necessary to change the bus type, an immediate rebid of a contract renewal shall not be required. Any such change shall be approved by the district board of education and shall be bid for the next school year.

6A:27-9.14 Addendum to a contract

- (a) An addendum shall be required to adjust the cost of an existing contract or contract renewal.
 1. An addendum to a contract or contract renewal for general education students and students with disabilities transported to schools within the school district shall be calculated based on the increase/decrease mileage adjustment stated in the original bid.

2. An addendum to a contract or contract renewal for the transportation of students with disabilities transported outside the school district shall be based on the per student, per mileage, or per vehicle adjustment stated in the original bid.
 3. If the cost of an aide is not part of the bid, an addendum to a contract or contract renewal for the purpose of adding an aide may be a negotiated cost provided it does not exceed the bid threshold.
- (b) An addendum to a contract or contract renewal shall be on the Commissioner-prescribed contract addendum form. The district board of education shall submit the form to the executive county superintendent for approval within 30 days of the district board of education's approval.
- (c) Increased bonding shall be required when an addendum to an existing contract increases its cost.
1. When an addendum added to the contract increases the cost, additional bonding coverage shall not be required if the remaining cost of the original contract plus the additional cost of the adjustment does not exceed the amount of the original bond.
- (d) The district board of education shall attach a certified copy of the minutes of the district board of education authorizing the adjustment and additional performance surety bond, if required, to the contract addendum form when it is submitted to the executive county superintendent.

6A:27-9.15 Transferring contracts and contract renewals

- (a) Whenever a contractor has entered into, or intends to enter into, an agreement to sell or assign to a purchaser all of the contractor's rights and liabilities with respect to all of the transportation contracts held by the contractor, such assignment requires the approval of the district board(s) of education and the executive county superintendent.

- (b) When a contractor has entered into, or intends to enter into, an agreement to sell or assign to a purchaser all of the contractor's rights and liabilities with respect to all of the transportation contracts serviced by a specific terminal(s) that will no longer be operated by the contractor for student transportation services, such agreement requires the approval of the district board(s) of education and the executive county superintendent.
- (c) The district board of education shall complete the student transportation contract agreement form prescribed by the Commissioner for each individual contract or multi-contract.
- (d) The transfer of contracts shall impose no additional cost to the district board of education.
- (e) All terms of the original contract shall remain in effect.
- (f) The assignment between the district board of education and the purchaser shall not become effective until the purchaser provides all documents required of the original bidder.
- (g) The student transportation contract transfer agreement form shall be accompanied by a copy of the certified district board of education minutes approving the transfer of the contract and all documents required of the original bidder when the district board of education submits it to the executive county superintendent for approval.
- (h) The assignment of selected contracts to another person or company shall not be considered a transfer, but shall be considered subcontracting. In this case, all the provisions of the contract shall remain in effect and shall impose no additional cost to the district board of education.
 - 1. No contract shall be subcontracted without the approval of the district board of education.
 - 2. When a district board of education allows a contract to be subcontracted, the district board of education shall submit to the executive county superintendent a

certified copy of the minutes approving each route to be subcontracted and a certificate of insurance from the subcontractor.

- (i) Whenever a district board of education assigns to another district board of education any or all of the assigning district board of education's rights and liabilities for transportation contracts it holds, such assignment requires the approval of both district boards of education and the executive county superintendent.

6A:27-9.16 Joint transportation agreements

- (a) Two or more district boards of education may provide jointly for the transportation of students to and from any school(s) within or outside the school districts or county(ies).
- (b) Whenever the executive county superintendent determines that transportation of students could be more economically accomplished by joint transportation, he or she may order the joint transportation, assign the administration to one district board of education as the host, and prorate the cost to the joining district board(s) of education.
- (c) The district board of education providing the transportation, either by district-owned or contracted vehicle, shall be referred to as the host.
- (d) The host district board of education shall initiate the joint agreement and shall ensure that transportation contracts meet the requirements for approval by the executive county superintendent.
- (e) The host district board of education shall send the joint transportation agreement form prescribed by the Commissioner to the host school district's executive county superintendent for approval within 60 days of the agreement.
 - 1. A copy of a joint agreement signed by all parties and issued between district boards of education in different counties shall be sent within 90 days of the agreement to the joiner school district's executive county superintendent.

- (f) Certified copies of the minutes approving the agreement for each district board of education involved in the joint agreement shall accompany the agreement submitted by the host district board of education to the executive county superintendent.

Subchapter 10. Coordinated Transportation Services

6A:27-10.1 General requirements

- (a) For the purposes of this subchapter, a resident district board of education, educational services commission, jointure commission, county special services school district, or any other entity governed by a district board of education providing coordinated transportation services and identified by the Commissioner for this purpose shall be known as a coordinated transportation services agency (CTSA).
- (b) Representatives of the participating resident district boards of education and the CTSA shall meet at least annually to establish the provisions of the contractual agreement between the parties.
- (c) Resident district boards of education shall utilize a CTSA to transport students going to a special education or vocational school located outside of the resident school district, and nonpublic school students whose parents received aid in lieu of transportation in the prior school year or for whom the resident school district cannot provide transportation in the ensuing school year. District boards of education may also utilize the CTSA for any other transportation needs.
- (d) Transportation for a special education or vocational school student newly assigned to a school located outside of the resident school district, or a newly registered nonpublic school student for whom no route currently exists, shall be assigned to a CTSA. If the CTSA is unable to coordinate transportation for the student with students from other school districts, the resident district board of education may choose to provide the transportation or pay aid in lieu of transportation in the case of nonpublic school students.

- (e) The executive county superintendent shall assist district boards of education and the nonpublic schools administrators in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.
- (f) Resident district boards of education shall adopt by resolution an agreement with the CTSA for transportation services. The CTSA shall submit to the executive county superintendent a copy of the district board of education resolution to participate in the coordinated services, the contractual agreement, and a copy of the district board of education minutes from both parties. The agreement shall include, but not be limited to, the following:
 - 1. The time period to be covered by the agreement;
 - 2. A description of the services to be provided;
 - 3. A list of the responsibilities of each party to the agreement;
 - 4. A formula for establishing the cost of service to each participating district board of education, including a provision for adjusting the final cost based upon actual expenditures;
 - 5. Administrative fees to be charged, if applicable;
 - 6. A payment time schedule;
 - 7. Provisions for revision of the services;
 - 8. The signatures of both parties to the agreement; and
 - 9. A provision for the executive county superintendent's acknowledgement of the agreement between the parties.
- (g) District boards of education and the CTSA shall provide to the Department all data necessary for the evaluation of the coordinated transportation services.

6A:27-10.2 Responsibilities of resident district boards of education

- (a) Resident district boards of education shall evaluate their methods of transporting students attending a special education or vocational school located outside of the school district and nonpublic school students whose parents or legal guardians receive aid in lieu of transportation to determine whether services could be more economically provided through a coordinated transportation services agency (CTSA).
 - 1. Bidding is not required for the purpose of comparing costs to make this determination.
- (b) Resident district boards of education shall first attempt to use a CTSA to provide transportation services for nonpublic school students prior to determining eligibility for aid in lieu of transportation.
- (c) Resident district boards of education responsible for the transportation of students going to a special education or vocational school located outside the school district shall utilize a CTSA, except when:
 - 1. The resident district can provide transportation at a lesser cost;
 - 2. The resident district board of education can share transportation services through an agreement with another district board of education;
 - 3. The transportation to be provided by the CTSA does not fall within the policies of the resident district board of education regarding length of ride and/or assignment of students to routes based on student age or classification; or
 - 4. The CTSA is unable to coordinate transportation with other school districts.
- (d) Once the resident district board of education has been notified of the estimated cost of transportation and has agreed to the service arranged by the CTSA, the services shall be provided until the student no longer requires transportation.
 - 1. Any party to the transportation service may dissolve the arrangement for good cause shown. The party withdrawing from the agreement shall make available upon request documentation of the cause to all affected parties.

- (e) Resident district boards of education that paid aid in lieu of transportation to the parents or legal guardians of nonpublic school students in the prior year, or who have determined that transportation cannot be provided for the ensuing school year, shall attempt to utilize a CTSA for the nonpublic school students before the determination is made to pay aid in lieu of transportation.
1. If any unique limitations or restrictions on providing this transportation exist, the resident district board of education shall provide this information to the CTSA.
 2. By August 1 preceding the school year in which transportation is to be provided, the district board of education shall notify the parents or legal guardians of the nonpublic school students and the nonpublic school administrators as to the manner in which transportation services are to be provided.
 3. The executive county superintendent shall be notified when it has been determined that the inability to provide transportation services is due to calendar and/or schedule conflicts.
- (f) The resident district board of education shall document the reasons why it chose not to use a CTSA and maintain documentation of the per student cost calculation.
- (g) The resident district board of education may renew existing contracts in accordance with N.J.S.A. 18A:39-3 if the district board of education determines it is in its best interest to do so.
- (h) Regional district boards of education shall continue to have the responsibility for providing nonpublic school transportation services for all constituent school district students regardless of grade level, in accordance with N.J.S.A. 18A:39-1. The regional school district board of education shall be responsible for determining when transportation should be provided through a CTSA.

6A:27-10.3 Responsibilities of coordinated transportation services agencies

- (a) A coordinated transportation services agency (CTSA) shall organize, schedule, and provide transportation services in a manner that achieves maximum efficiency for participating school districts. Services and method of payment shall be described in an agreement between the CTSA and the resident district board of education.
- (b) A CTSA may contract for transportation services, use vehicles owned or leased by the agency, and/or utilize vehicles owned by district boards of education for the provision of coordinated services.
- (c) The calculation of per student costs for transportation services provided by a CTSA shall not include administrative expenses above the cost of providing the actual transportation service. If the agency costs are equal to or less than the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a, excluding administrative fees, the agency shall provide transportation for the nonpublic school students.
 - 1. The maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a shall be determined by dividing the actual cost of the route to and from school by the number of students assigned to the route. The per student cost calculation does not include the administrative cost to administer the nonpublic school transportation program.
 - 2. An administrative fee is the amount charged to a district board of education by a CTSA for costs incurred to administer the transportation program. The administrative fee shall not be included in determining the actual cost of the route to and from school. Administrative fees are excluded from the calculation of the maximum per student expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.

- (d) A CTSA may charge an administrative fee to participating school districts to cover the ordinary cost of doing business. Determining routes and availability of service should be considered part of the ordinary cost of doing business and included in the administrative fees charged to resident district boards of education. The agency shall not charge a per student application fee.
- (e) A CTSA may notify parents or legal guardians of the provision of nonpublic school transportation in accordance with N.J.A.C. 6A:27-2.3(b). Notification to the parents or legal guardians by the CTSA shall be made part of the resolution and contractual agreement between the parties.
- (f) If a CTSA cannot provide the requested transportation, the agency shall:
 - 1. Document why it is unable to provide transportation; and
 - 2. Maintain a listing of destinations for which it is unable to coordinate services to share this information with other school districts for possible coordination in the future.
- (g) Prior to bidding for transportation services, the CTSA shall notify participating school districts whether transportation will be coordinated with other school districts on their routes.
- (h) Resident district boards of education shall be billed for services in accordance with the contractual agreement with the agency. The billing shall include the participating school district's individual route costs based on adjusted monthly expenditures. The final cost billed to resident district boards of education shall be based on actual expenditures.
 - 1. The CTSA shall provide to district boards of education on a Commissioner-prescribed form the information necessary for State reimbursement of the portion of any administrative fee that causes the per student cost to exceed the maximum expenditure permitted for nonpublic school transportation pursuant to N.J.S.A. 18A:39-1a.

6A:27-10.4 Conditions when coordinated transportation services agencies must bid

- (a) The coordinated transportation services agency (CTSA) shall be subject to all laws governing student transportation contracts, including bonding requirements. In addition to the standard forms required with a bid, a CTSA also shall include:
1. An agency membership form listing each member school district and the name of the school district's superintendent; and
 2. A non-collusion statement indicating that personnel within the agency that is bidding did not draft specifications or route descriptions.
- (b) Bidding by CTSA's to utilize agency owned/leased vehicles is not required when:
1. An educational services commission or jointure commission transports students who reside in school districts that were members of the commission as of January 1, 2004, and the commission provided transportation with vehicles it owned/leased as of that date;
 2. An educational services commission or jointure commission transports students who reside in school districts located in first class counties that were not members of the commission and, as of January 1, 1999, were transported by vehicles owned/leased by the commission;
 3. A county special services school district (CSSSD) transports students who reside in the county and are enrolled in the school district or in nonpublic schools if, as of January 1, 2004, the CSSSD owned/leased buses and was providing transportation; or
 4. A CSSSD transports students with disabilities within the county or contiguous counties if, as of January 1, 2004, the CSSSD is located in a fifth class county and has been providing special education transportation with buses it owns/leases.

Subchapter 11. Safety

6A:27-11.1 District board of education safety policies

- (a) District boards of education shall establish policies and procedures to be followed by the school bus driver in the event of an emergency.
- (b) District boards of education and school bus contractors shall establish policies and practices to ensure that school bus drivers comply with all applicable rules of this chapter.
- (c) District boards of education shall develop a policy to ensure that the school administration conducts ongoing random checks of school bus transportation operations.

The checks shall include, but not be limited to:

- 1. Verifying that drivers possess a valid CDL with proper endorsements to operate the type(s) and class(es) of vehicle(s) used to transport students as set forth at N.J.A.C. 6A:27-12.1(d);
- 2. Verifying that the vehicle(s) being used to transport students has a valid registration, insurance, and inspection sticker as set forth at N.J.A.C. 6A:27-1.6 and 7.1; and
- 3. Conducting a pre-trip inspection of buses.

6A:27-11.2 Evacuation drills and safety education

- (a) Administrators, or a person assigned to act in a supervisory capacity, in each school of attendance shall organize and conduct emergency exit drills on school property at least twice within each school year for all students who are transported to and from school. Drills shall include instruction for the proper use and adjustment of seatbelts.
 - 1. All other students shall receive school bus evacuation instruction at least once within each school year.

- (b) School bus drivers and bus aides shall participate in the emergency exit drills.
- (c) Drills shall be documented in the minutes of the first district board of education meeting following the completion of each emergency exit drill. The minutes shall include, but shall not be limited to, the following:
 - 1. The date of the drill;
 - 2. The time the drill was conducted;
 - 3. The school name;
 - 4. The location of the drill;
 - 5. The route number(s) included in the drill; and
 - 6. The name of the school principal or assigned person(s) who supervised the drill.

6A:27-11.3 Training

- (a) Employers shall ensure that all school bus drivers and school bus aides are properly trained for the functions of their positions.
- (b) Employers shall administer a safety education program for all permanent and substitute drivers and aides twice per calendar year. At a minimum, the training shall include:
 - 1. Student management and discipline;
 - 2. School bus accident and emergency procedures;
 - 3. Conducting school bus emergency exit drills;
 - 4. Loading and unloading procedures;
 - 5. School bus stop loading zone safety;
 - 6. Inspecting the school vehicle for students left on board at the end of a route; and
 - 7. The use of a student's education records, including the employee's responsibility to ensure the privacy of the student and his or her records, if applicable.

- (c) In addition to the training requirements in (b) above, employers shall administer to school bus drivers a safety education program that includes defensive driving techniques and railroad crossing procedures.
- (d) For all school bus drivers and school bus aides that it employs, an employer shall administer a training program for interacting with students with disabilities as developed by the Commissioner pursuant to N.J.S.A. 18A:39-19.2 and 19.3. The employer shall administer the training program to each employee prior to allowing him or her to operate a school bus or serve as a school bus aide.
 - 1. An employer shall require a school bus driver or school bus aide to file a certification with the employer that the individual has completed the training program within five business days of its completion. The employer shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the executive county superintendent with the annual school bus driver and aide certifications.

6A:27-11.4 Student safety education

At least once each school year, district boards of education shall provide to public school students a safety education program that includes pedestrian safety and rules for riding the school bus.

6A:27-11.5 Student list for school-sponsored activities

Each district board of education may develop and implement a policy requiring the compilation of a list of the names of students being transported by a school bus to a school-sponsored activity, including, but not limited to, field trips or interscholastic sports programs. Any policy pursuant to this section shall require the individual creating the list of students for each school

bus to submit it to the school principal, or designee, and the principal, or designee, to maintain the list for use in the case of an emergency.

Subchapter 12. Drivers and Aides

6A:27-12.1 General requirements

- (a) The school bus driver and aide shall be reliable persons of good moral character who possess the qualifications and communication skills necessary to perform the duties of the position.
- (b) Anyone driving a school vehicle used to transport students to and from school and school-related activities shall meet all requirements of N.J.S.A. 18A:6-7.6 through 7.12 and 18A:39-17, 18, 19.1, and 20, and all New Jersey Motor Vehicle Commission (NJMVC) rules governing school bus drivers.
 - 1. The executive county superintendent shall ensure compliance with the requirements in (b) above.
- (c) Any certified mobility assistance vehicle technician authorized by a district board of education, nonpublic school governing body, or State agency to provide mobility assistance vehicle transportation services, pursuant to N.J.S.A. 18A:39-20.1, shall:
 - 1. Furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations;
 - 2. Not be required to be licensed or regulated as a school bus driver; and
 - 3. Not be subject to the requirements set forth in N.J.S.A. 18A:39-19.2.
- (d) A driver shall hold a valid commercial driver's license (CDL) with appropriate endorsement(s) for the class and type of vehicle operated, issued by the NJMVC or the state where the driver primarily resides.
- (e) School bus drivers shall wear a properly adjusted and fastened seat belt.

- (f) Employers shall submit to the Department's Office of Student Protection a school bus driver transmittal form, and shall receive an approval letter from the Office of Student Protection, prior to assigning a newly hired, currently approved school bus driver to a bus route.
- (g) Employers shall retain a current qualifications record for each school bus driver and aide. At a minimum, the retained records shall include:
1. The driver's and/or aide's name and Social Security number;
 2. The driver's license number with the class of license, endorsement to operate a school bus, and the issuing state;
 3. A current medical examiner's certificate, if required;
 4. The current criminal history background check certification letter; and
 5. A copy of the Department's Office of Student Protection school bus driver transmittal form, if applicable.
- (h) Employers shall notify each school bus driver when reoccurring qualification requirements become due. The requirements shall include, but not be limited to:
1. Driver license renewal;
 2. Driver physical; and
 3. Criminal history background check.
- (i) Employers shall notify each school bus aide and mobility vehicle assistance technician when the criminal history background check becomes due.
- (j) Within one business day of notification that a school bus driver's license is suspended or revoked, employers shall verify to the Department's Office of Student Protection that the driver is no longer operating a school bus.
- (k) The driver shall complete daily a driver's school bus condition report as prescribed by the NJMVC.

- (l) School bus aides shall meet criminal history background check requirements, pursuant to N.J.S.A. 18A:6-7.1 et seq.
- (m) School bus drivers and aides shall be considered under the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 g, to be school officials who have a legitimate educational interest to parts of a student's record relating to transportation, without parental consent.
 - 1. Legitimate educational interest, applicable whenever a school official needs to review an education record to fulfill his or her professional responsibility, is defined for school bus drivers and aides as information needed to receive proper training and ensure informed actions to safely transport the student and any other students on the bus.

6A:27-12.2 Accident reporting

- (a) Every school bus driver shall immediately inform the principal of the receiving school and the school business administrator of the district board of education providing the transportation following an accident that involves an injury, death, or property damage. The driver shall complete and submit the Commissioner-prescribed preliminary school bus accident report to the principal and school business administrator by the end of the first business day after the accident. The driver shall also file, within 10 days of the accident, the completed Commissioner-prescribed preliminary school bus accident report with the Department.
- (b) The district board of education shall also electronically submit the accident information to the Department on the Department-prescribed electronic accident report log.
- (c) In addition to the preliminary school bus accident report, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property

of any one person in excess of \$500.00, shall complete and file within 10 days after the accident a motor vehicle accident report in accordance with N.J.S.A. 39:4-130.

6A:27-12.3 Students left on a school bus

- (a) Every owner/operator of a school vehicle shall immediately inform the administrator or principal of the receiving school and the chief school administrator of the district board of education providing the transportation, or their designees, following an incident in which it has been determined that a student was left on the school bus at the end of the route. School district or school bus contractor personnel who discover, or to whom it is reported, that a student has been left on a school bus shall immediately report the incident to the owner/operator of the vehicle.
- (b) The chief school administrator, or his or her designee, shall complete the Student Left Unattended On the Bus report prescribed by the Commissioner and submit it to the executive county superintendent within 10 days of the incident.
 - 1. The executive county superintendent shall submit the completed report to the Office of School Finance and the Office of Student Protection.

6A:27-12.4 School district transportation supervisors

- (a) For the purposes of this section, “school district transportation supervisor” means an individual employed by a district board of education whose job function includes a majority of the following: the operation of student transportation in the school district; administration, supervision, and evaluation of student transportation and vehicle maintenance personnel; planning and coordinating work schedules for all transportation personnel; the packaging of routes for bidding purposes; administering, monitoring, and overseeing the Federal and State requirements for student transportation in the school district; developing and implementing the school district’s student transportation policies

and training; regularly monitoring the safe transportation of the school district's students and the maintenance of vehicles; and preparation or submission of district board of education contracts, reports, and other documentation required by this chapter.

(b) A school district transportation supervisor who meets the criteria of (b)1 or 2 below shall be required, as a condition of employment, to provide evidence to the district board of education of satisfactory completion of the School Transportation Supervisors Certification Program offered by the Center for Government Services at Rutgers, the State University of New Jersey, or any other certification program designated by the Commissioner.

1. A school district transportation supervisor who was employed by a district board of education on January 31, 2019, and has less than 11 years of experience as a school district transportation supervisor shall complete the certification program no later than January 31, 2023.

2. A school district transportation supervisor who was hired by a district board of education after January 31, 2019, and has less than 11 years of experience as a school district transportation supervisor shall complete the certification program within four years of the date of hire.

(c) The school district transportation supervisor and district board of education shall determine who bears the cost of completing the certification program.

(d) A certified school business administrator employed as the district board of education's school business administrator shall not be required to meet the requirements set forth at (b) above, regardless of whether the individual performs the majority of the job functions at (a) above.

(e) Any school district transportation supervisor certification program designated by the Commissioner shall include courses focused on the statutes and regulations that govern school transportation operations.

Subchapter 13. Governance and Administration

6A:27-13.1 General authority

- (a) The Commissioner shall provide for a thorough evaluation of student transportation operations and fiscal procedures of district boards of education to determine compliance with the provisions of this chapter and N.J.S.A. 18A:39-1 et seq.
- (b) The Commissioner may withhold or adjust transportation aid for district boards of education that are noncompliant with the chapter's provisions, such as, but not limited to, the improper award of contracts, use of unauthorized vehicles, or inaccurate data submitted for State aid.

6A:27-13.2 General school district procedures

District boards of education shall submit to the Department reports necessary for the calculation of State transportation aid and the analysis of the numerical values (cost factors) contained in the transportation aid formula in accordance with N.J.S.A. 18A:7F-57.

6A:27-13.3 Regulatory review

- (a) The executive county superintendent shall conduct a review of transportation operations of district boards of education in accordance with N.J.A.C. 6A:30 and 6A:23A-2.3.
- (b) The Office of School Finance shall conduct reviews of the executive county superintendent's administration of student transportation. The review shall include a sampling of records submitted to the executive county superintendent by district boards of education to determine compliance with the chapter's provisions.
- (c) The Office of School Finance shall conduct reviews of student transportation procedures, operations, and fiscal records of district boards of education as directed by the

Commissioner. The Office of School Finance shall notify the district board of education and executive county superintendent of the findings.

- (d) The Office of School Finance shall verify data submitted by district boards of education for State transportation aid.

6A:27-13.4 Corrective action plan

A district board of education found to be deficient as a result of the Office of School Finance review shall submit to the Office and the executive county superintendent a corrective action plan addressing the specific recommendations.

6A:27-13.5 Compliance investigation

- (a) The Office of Fiscal Accountability and Compliance shall conduct a complete inspection of student transportation procedures, operations, and costs for any district board of education identified as deficient in the administration of student transportation as a result of the Office of School Finance review or Department monitoring process under any one of the following circumstances:
 1. The Office of School Finance review indicates the existence of conditions that may prevent the successful implementation of the corrective action plan required pursuant to N.J.A.C. 6A:27-13.4;
 2. A district board of education fails to implement and adhere to the corrective action plan approved by the executive county superintendent; or
 3. A district board of education fails to achieve compliance as set forth in the corrective action plan.