

**ATTACHMENT #12**

**EXCERPTS FROM NEW JERSEY  
ADMINISTRATIVE CODE 6A:27**

**(16 Pages)**

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **6A:27-1.1 Authority**

(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 (CTSA).

(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 procedures to ensure that all transportation provided to their resident students is done in compliance with all state and federal laws and regulations.

(d) Suspension of the operation of transportation services due to inclement weather or other conditions shall be the responsibility of the district board of education providing the transportation services.

### **6A:27-1.2 Students who shall be transported**

(a) Transportation shall be provided 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 special education students who reside remote from their assigned school or who require transportation services in accordance with their Individualized Education Program (IEP). Transportation shall also be provided to preschool students who live remote from their school of attendance and are either enrolled in a universal preschool program or meet the age and income eligibility requirements of and are enrolled in a targeted preschool program pursuant to N.J.S.A. 18A:7F-43 et seq.

1. The words "remote from the school of attendance" shall mean beyond two and one-half miles for high school students (grades nine through 12) and beyond two miles for elementary school students (grades preschool through eight).

2. For the purpose of determining eligibility for student transportation, measurement shall be made by the shortest route along public roadways or public walkways between the entrance of the student's residence nearest such public roadway or public walkway and the nearest public entrance of the school which the student attends.

#### **6A:27-1.3 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 their local policies and at their own 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 who provide for the transportation of students pursuant to N.J.S.A. 18A:39-1 or a cooperative transportation services agency may provide for the transportation of resident and nonresident students who are not otherwise eligible for transportation services by any other law 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 or legal guardian 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 coordinated transportation services agency (CTSA).

(c) Whenever a district board of education agrees to provide nonmandated transportation to and from school for reasons of hazard, the board shall adopt a hazardous busing policy in accordance with N.J.S.A. 18A:39-1.5.

(d) When the parent or legal guardian elects to have transportation provided for their child pursuant to this section, the district board of education and a CTSA may elect to charge the parent or legal guardian for all or part of the cost of this service. However, the cost of the transportation paid by the 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.

(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. Municipalities may elect to charge the parent or legal guardian for all or part of the cost of this service.

(f) Students may not be excluded from receiving services described under this section who are unable to pay because of financial hardship. The criteria used to determine financial hardship shall be the same as the Statewide eligibility standards established for free and reduced price meals under the State school lunch program.

(g) District boards of education shall notify the Department of Education, on the form prescribed by the Commissioner, when transportation is provided for students pursuant to this section.

#### **6A:27-1.4 Passengers**

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

#### **6A:27-1.5 Insurance**

(a) Anyone providing for the transportation of students to and from school or school related activities or subcontracting to provide these 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 which are 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 district board(s) of education and any coordinated transportation services agency providing transportation services as an additional insured party to the policy. In addition, the certificate of insurance 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 is providing transportation.

1. Parents or legal guardians transporting only their own child or children shall be exempt from the requirement to provide the certificate of insurance that names 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 a certificate of self-insurance with the Executive County Superintendent of Schools.

(d) Policies or certificates of insurance shall accompany all contracts or contract renewals when they are submitted to the Executive County Superintendent of Schools for approval.

(e) Policies or certificates of insurance shall be submitted to the district board of education and the Executive County Superintendent of Schools whenever policies are amended, revised or renewed.

(f) The district board of education and the Executive County Superintendent of Schools shall be notified by the insured whenever any policy is cancelled. Notification shall be made within 48 hours of receipt of the notification of the cancellation by the insured, and before the cancellation takes effect.

## **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. These vehicles shall be systematically inspected twice each year and display a current vehicle inspection sticker authorizing the vehicle for school use.

1. A vehicle is exempt from authorization for school use on the certificate of inspection when it is being used on a preset franchised route and schedule or is chartered for school related activities, and displays a current certificate indicating that the vehicle was inspected by the New Jersey Motor Vehicle Commission's Commercial Bus Unit.

### **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 which 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**

(a) School buses, Type I and Type II, as defined by N.J.S.A. 39:1-1, which are registered and inspected in this State, manufactured on or after April 1, 1977, other than those of the transit type whose gross vehicle weight (GVW) exceeds 25,000 pounds, shall not be utilized for student transportation purposes beyond the end of the twelfth year from the year of

manufacture, as noted on the vehicle registration, or at the end of the school year in which that year falls, whichever is later. Such buses, when used beyond the tenth year, shall have an annual in-depth inspection by the New Jersey Motor Vehicle Commission prior to the ensuing school year.

(b) School buses of transit type whose GVW exceeds 25,000 pounds shall not be used for student transportation purposes beyond the end of the twentieth year from the year of manufacture, as noted on the vehicle registration, or at the end of the school year in which that year falls, whichever is later.

#### **6A:27-7.4 Small vehicles**

(a) A small vehicle is defined as any vehicle originally designed by the manufacturer with a seating capacity of 10 or fewer persons including the driver, which 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) The provisions of this section 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 any vehicle originally designed by the manufacturer with a capacity of 11 or more persons including the driver.

(b) These vehicles shall comply with all New Jersey Motor Vehicle Commission regulations for the manufacture of school buses.

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

Private vehicles with a capacity of eight or fewer passengers may be used for the transportation of students to and from related school activities, in accordance with policies and regulations adopted by the responsible transporting authority. The policy shall clearly stipulate procedures under which such transportation shall take place safely, including provision for appropriate and adequate insurance coverage and approval of activities and drivers.

#### **6A:27-7.7 Parent transporting his or her own child or children**

A parent 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 possess a commercial driver's license, to use a vehicle registered as a school bus, or to 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, when used in this subchapter, shall have the meanings listed 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 of New Jersey. For a regional school district, a contiguous school district shall be an adjoining and adjacent school district which shares in some part a common boundary with the total regional school district.

"Group" means 10 or more persons.

"Senior citizens" means those people of the State of New Jersey 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 purpose of transporting senior citizens' groups to and from events within the school district or in any contiguous school district, for transporting handicapped citizens in any school district, and for transporting children and adults participating in a recreation or other program operated by the municipality or municipalities in which the school district is located or the municipality in which any constituent school district of a regional school district is located. Such events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional and health programs and activities.

(c) The district board of education shall adopt a policy addressing the transportation of these groups. 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, the costs of fuel, driver salaries, insurance, and depreciation.

(d) The use of school buses by these groups requires the approval of the district board of education and 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 these groups.

(g) School buses, when used to transport these groups, 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 these groups 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.

## **SUBCHAPTER 11. SAFETY**

### **6A:27-11.1 Emergency procedures**

(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 employed by them comply with all applicable rules of this chapter.

### **6A:27-11.2 Evacuation drills and safety education**

(a) School administrators shall organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school.

1. All other students shall receive school bus evacuation instruction at least once within the school year.

(b) The school bus driver and bus aide shall participate in the emergency exit drills.

(c) Drills shall be conducted on school property and shall be supervised by the principal or person assigned to act in a supervisory capacity.

(d) Drills shall be documented in the minutes of the local board of education at the first board meeting following the completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:

1. Date of the drill;
2. Time of day the drill was conducted;
3. School name;
4. Location of the drill;

5. Route number(s) included in the drill; and
6. Name of school principal, or person(s) assigned, 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. At a minimum, this 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 a safety education program for school bus drivers which includes defensive driving techniques and railroad crossing procedures.

#### **6A:27-11.4 Student safety education**

District boards of education shall provide a safety education program to public school students, which includes pedestrian safety and rules for riding the school bus.

## **SUBCHAPTER 13. GOVERNANCE AND ADMINISTRATION**

### **6A:27-13.1 General authority**

(a) The Commissioner of Education 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 of Education may withhold or adjust transportation aid for district boards of education which are noncompliant with the provisions set forth in this chapter, 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 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:7D-18 and 19.

### **6A:27-13.3 Regulatory review**

(a) The Executive County Superintendent of Schools shall conduct a review of transportation operations of district boards of education in accordance with N.J.A.C. 6A:30-1.1 et seq and N.J.A.C. 6A:23A-2.3.

(b) The Office of Student Transportation and Shared Services field representative shall conduct reviews of the Executive County Superintendent's administration of student transportation. This review shall include a sampling of records that have been submitted to the Executive County Superintendent of Schools by district boards of education to determine compliance with the provisions of this chapter.

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(c) The Office of Student Transportation and Shared Services field representative shall conduct reviews of student transportation procedures, operations and fiscal records of district boards of education as directed by the Commissioner of Education, and shall notify the district board of education and Executive County Superintendent of the findings.

(d) The Office of Student Transportation and Shared Services shall verify data submitted by district boards of education for State transportation aid.

#### **6A:27-13.4 Corrective plan**

A district board of education found to be deficient as a result of the Office of Student Transportation and Shared Services review shall submit a corrective action plan addressing the specific recommendations to the Executive County Superintendent of Schools and the Office of Student Transportation and Shared Services.

#### **6A:27-13.5 Compliance investigation**

(a) The Office of 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 Student Transportation and Shared Services review or State Department of Education monitoring process under any one of the following circumstances.

1. The Office of Student Transportation and Shared Services review indicates that conditions exist that may prevent the successful implementation of a corrective action plan;

2. A district board of education fails to implement and adhere to the corrective action plan that has been approved by the Executive County Superintendent of Schools; or

3. A district board of education fails to achieve certification based upon deficiencies noted in student transportation and does not demonstrate reasonable progress pursuant to N.J.A.C. 6A:23A-4.1(a).