

[First Reprint]

ASSEMBLY, No. 5814

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

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District 14 (Mercer and Middlesex)

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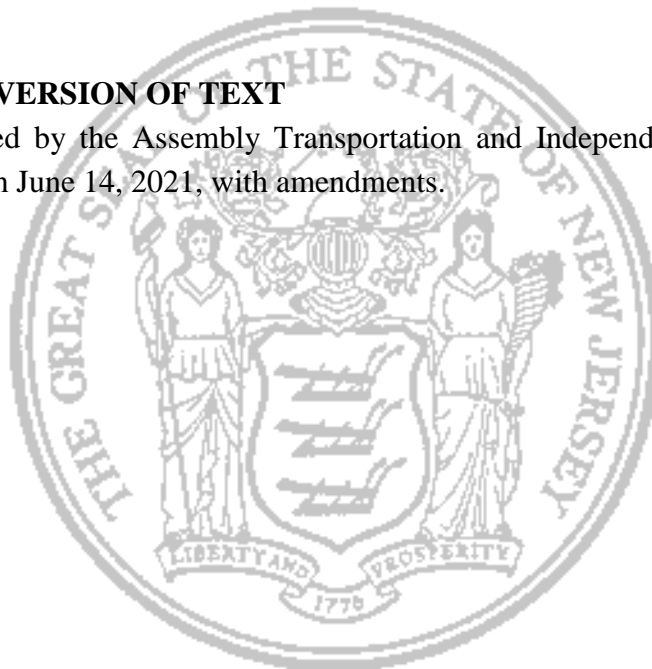
Assemblywomen Vainieri Huttle, Lopez, Chaparro, McKnight,
Assemblyman Johnson and Assemblywoman Jasey

SYNOPSIS

Creates School Bus Safety Ombudsman position in, but not of, Department of Education.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on June 14, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning school bus safety and supplementing chapter 39
2 of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. There is established in but not of the Department of
8 Education the Office of the School Bus Safety Ombudsman. For the
9 purpose of complying with the provisions of Article V, Section IV,
10 paragraph 1 of the New Jersey Constitution, the Office of the School
11 Bus Safety Ombudsman is hereby allocated within the Department of
12 Education, but notwithstanding this allocation, the office shall be
13 independent of any supervision or control by the department or any
14 board or officer thereof, or any other cabinet-level department, board,
15 or officer thereof. The purpose of the office is to oversee the school
16 busing industry and to coordinate enforcement and accountability
17 among the department, school bus drivers, school bus contractors, and
18 the New Jersey Motor Vehicle Commission.

19 b. The Governor shall appoint a School Bus Safety Ombudsman,
20 who shall be qualified by training and experience ¹related to the school
21 bus industry in order¹ to perform the duties of the office. The
22 ombudsman shall be a person of recognized judgment, integrity, and
23 objectivity, and shall be skilled in communication, conflict resolution,
24 and professionalism.

25 c. The ombudsman shall organize and direct the work of the
26 office, including the work of such professional and clerical staff as
27 may be necessary to carry out the ombudsman's duties.

28

29 2. a. The duties of the School Bus Safety Ombudsman shall
30 include, but not be limited to, the following:

31 (1) review a school bus driver's information collected by the
32 Commissioner of Education pursuant to section 6 of P.L.1989,
33 c.104 (C.18A:39-19.1);

34 (2) review all training certifications for school bus drivers from
35 employers pursuant to subsection b. of section 2 of P.L.2015, c.123
36 (C.18A:39-19.3);

37 (3) assist in the development of a student information card
38 pursuant to section 3 of P.L.2015, c.123 (18A:39-19.4);

39 (4) review statements provided by a board of education or
40 contractor that verify a school bus driver, whose bus driver's
41 license is suspended or revoked, no longer operates a school bus for
42 the board or contractor pursuant to section 1 of P.L.2018, c.152
43 (C.18A:39-19.6);

44 (5) the establishment of a publicly accessible database that
45 compiles the violations and subsequent fines of school bus drivers,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted June 14, 2021.

1 school bus contractors that employ the school bus drivers, and the
2 owners, operators, or any officers associated with the school bus
3 contractor. The ombudsman shall develop and implement an appeal
4 mechanism to resolve any dispute raised by a school bus driver,
5 school bus contractor, or owner, operator, or officer associated with
6 a school bus company concerning inclusion in the database;

7 (6) maintain a list of all persons barred from bidding on any
8 pupil transportation contract pursuant to section 3 of P.L. , c.
9 (C.) (pending before the Legislature as Assembly Bill No.
10 5818 or Senate Bill No. 3849 of 2021);

11 (7) render a decision as to whether a person shall be debarred
12 from bidding on a pupil transportation contract pursuant to the
13 provisions of P.L. ,c. (C.) (pending before the Legislature
14 as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021);

15 (8) collect and review the name, address, and contact
16 information of school bus contractors and the owners of school bus
17 contracting companies;

18 (9) determine if a board of education or contractor has failed to
19 comply with the provisions of N.J.S.18A:39-20;

20 (10) review and recommend changes to the commissioner of the
21 rules and regulations governing school bus safety; and

22 (11) any other duties the ombudsman deems appropriate to
23 ensure the safety of school buses for students in the State.

24 b. The ombudsman shall treat communications received in the
25 course of the ombudsman's duties, including personally identifiable
26 information regarding students, parents or guardians, school bus
27 drivers, and others from whom information is acquired, as
28 confidential, except when disclosure is necessary to enable the
29 ombudsman to perform the duties of the office and consent for
30 disclosure is obtained. Upon receipt of information that by law is
31 confidential or privileged, the ombudsman shall maintain the
32 confidentiality of such information and shall not disclose or
33 disseminate the information except as provided by applicable State
34 or federal law.

35 c. As used in this section, "person" means an individual and
36 any business, including any corporation, partnership, association, or
37 proprietorship in which such individual is a principal, or with
38 respect to which the individual owns, directly or indirectly, or
39 controls any of the stock or other equity interest of such business.

40
41 3. The ombudsman shall submit an annual report to the
42 Governor, the Legislature pursuant to section 2 of P.L.1991, c.164
43 (C.52:14-19.1), and the New Jersey Motor Vehicle Commission
44 which includes a summary of the services provided, and
45 enforcement actions taken, by the ombudsman during the school
46 year, and any specific recommendations the ombudsman deems
47 appropriate and necessary concerning the oversight and
48 management within the ombudsman's purview.

A5814 [1R] SWAIN, TULLY

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1 4. This act shall take effect with the enactment into law of
2 P.L. , c. (C.) (pending before the Legislature as Assembly
3 Bill No. 5818 or Senate Bill No. 3849 of 2021).