

# SENATE, No. 3851

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Corrado**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/1/2021)**

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  
9 the purpose of complying with the provisions of Article V, Section  
10 IV, paragraph 1 of the New Jersey Constitution, the Office of the  
11 School Bus Safety Ombudsman is hereby allocated within the  
12 Department of Education, but notwithstanding this allocation, the  
13 office shall be independent of any supervision or control by the  
14 department or any board or officer thereof, or any other cabinet-  
15 level department, board, or officer thereof. The purpose of the  
16 office is to oversee the school busing industry and to coordinate  
17 enforcement and accountability among the department, school bus  
18 drivers, school bus contractors, and the New Jersey Motor Vehicle  
19 Commission.

20 b. The Governor shall appoint a School Bus Safety  
21 Ombudsman, who shall be qualified by training and experience to  
22 perform the duties of the office. The ombudsman shall be a person  
23 of recognized judgment, integrity, and objectivity, and shall be  
24 skilled in communication, conflict resolution, 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 accessibly database that  
45 compiles the violations and subsequent fines of school bus drivers,  
46 school bus contractors that employ the school bus drivers, and the  
47 owners, operators, or any officers associated with the school bus  
48 contractor. The ombudsman shall develop and implement an appeal  
49 mechanism to resolve any dispute raised by a school bus driver,

1 school bus contractor, or owner, operator, or officer associated with  
2 a school bus company concerning inclusion in the database;

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

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

11 (8) collect and review the name, address, and contact  
12 information of school bus contractors and the owners of school bus  
13 contracting companies;

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

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

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

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

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

37 3. The ombudsman shall submit an annual report to the  
38 Governor, the Legislature pursuant to section 2 of P.L.1991, c.164  
39 (C.52:14-19.1), and the New Jersey Motor Vehicle Commission  
40 which includes a summary of the services provided, and  
41 enforcement actions taken, by the ombudsman during the school  
42 year, and any specific recommendations the ombudsman deems  
43 appropriate and necessary concerning the oversight and  
44 management within the ombudsman’s purview.  
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46 4. This act shall take effect with the enactment into law of  
47 P.L. , c. (C. ) (pending before the Legislature as Assembly  
48 Bill No. 5818 or Senate Bill No. 3849 of 2021).

STATEMENT

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3 This bill creates the School Bus Safety Ombudsman position in,  
4 but not of, the Department of Education to monitor and administer  
5 all school bus safety and oversight activities. The School Bus  
6 Safety Ombudsman will be appointed by the Governor and will  
7 have, but not be limited to, the following duties:

- 8 • review a school bus driver's information collected by the  
9 Commissioner of Education for a criminal history check or  
10 check for alcohol and drug-related motor vehicle violations  
11 pursuant to current statute;
- 12 • review all training certifications for school bus drivers from  
13 employers;
- 14 • assist in the development of a student information card;
- 15 • review statements provided by a board of education or  
16 contractor that verify a school bus driver, whose bus driver's  
17 license is suspended or revoked, no longer operates a school  
18 bus for the board or contractor;
- 19 • the establishment of a publicly accessibly database that  
20 compiles the violations and subsequent fines of a school bus  
21 driver, the school bus contractor that employs the school bus  
22 driver, and any owner, operator, or officer associated with  
23 the school bus contractor. The ombudsman will develop and  
24 implement an appeal mechanism to resolve any dispute  
25 raised concerning inclusion in the database;
- 26 • maintaining a list of persons debarred from bidding on pupil  
27 transportation contracts;
- 28 • render a decision as to whether a person shall be debarred  
29 from bidding on a pupil transportation contract;
- 30 • collect and review the name, address, and contact  
31 information of school bus contractors and the owner or  
32 school bus contracting companies;
- 33 • determine if a board of education or contractor has approved  
34 or assigned an unauthorized bus driver;
- 35 • review and recommend changes to the commissioner of the  
36 rules and regulations governing school bus safety; and
- 37 • any other duties the ombudsman deems appropriate to ensure  
38 the safety of school buses for students in the State.

39 The bill also requires the ombudsman to submit an annual report  
40 to the Governor, the Legislature, and the New Jersey Motor Vehicle  
41 Commission which includes a summary of the services provided,  
42 and enforcement actions taken, by the ombudsman during the  
43 school year, and any specific recommendations the ombudsman  
44 deems appropriate and necessary concerning the oversight and  
45 management within the ombudsman's purview.