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

CURRENT VERSION OF TEXT
As reported by the Senate Budget and Appropriations Committee on December 16, 2021, with amendments.
AN ACT concerning school bus safety and supplementing chapter 39
of Title 18A of the New Jersey Statutes.

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

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

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

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

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

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

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

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

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

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:
Senate SBA committee amendments adopted December 16, 2021.
(5) the establishment of a publicly accessibly database that compiles the violations and subsequent fines of school bus drivers, school bus contractors that employ the school bus drivers, and the owners, operators, or any officers associated with the school bus contractor. The ombudsman shall develop and implement an appeal mechanism to resolve any dispute raised by a school bus driver, school bus contractor, or owner, operator, or officer associated with a school bus company concerning inclusion in the database;

(6) maintain a list of all persons barred from bidding on any pupil transportation contract pursuant to section 3 of P.L.1991, c.164 (pending before the Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021);

(7) render a decision as to whether a person shall be debarred from bidding on a pupil transportation contract pursuant to the provisions of P.L.1991, c.164 (pending before the Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021);

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

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

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

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

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

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

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

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