

ASSEMBLY, No. 2345

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblyman LANCE

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

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

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7 1. This act shall be known and may be cited as the "School Safety
8 Busing Act of 1996."

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10 2. The Legislature finds and declares that school districts are
11 required to provide transportation for elementary pupils who live more
12 than two miles from their school and secondary pupils who live more
13 than two and one-half miles from their school; that since those
14 mileage maximums were adopted, new housing developments, new
15 highways, and traffic congestion on older roadways have changed the
16 nature of the conditions encountered by pupils when walking to and
17 from their schools; that there are many school districts today where
18 transportation should be provided to pupils who do not qualify for
19 school busing and who are forced to walk along a hazardous route;
20 that when busing is required over hazardous routes, it is not a matter
21 of courtesy, but a matter of safety; and that school boards should have
22 the option of providing safety busing which should be considered
23 necessary for a thorough and efficient education and the cost of which
24 should be exempt from the district's budget cap.

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26 3. a. A board of education which transports pupils to and from
27 school pursuant to N.J.S.18A:39-1 may determine to provide safety
28 busing for elementary school pupils who live less than two miles from
29 school and secondary school pupils who live less than two and one-
30 half miles from school. The determination to provide safety busing
31 shall be based on an analysis of hazardous conditions encountered by
32 pupils in walking to and from the schools of the district. In making its
33 determination, the board may consult with the police chief of the
34 municipality. Hazardous conditions shall include, but not be limited
35 to, the necessity for pupils to walk along roadways without sidewalks
36 or for pupils to cross a roadway with heavy traffic. The findings of

1 the school board shall be presented at a public meeting of the school
2 board.

3 b. The provision of safety busing under this act shall be deemed to
4 be required for a thorough and efficient education, and the cost of the
5 busing shall be exempt from the calculation of the budget cap of the
6 school district.

7 c. A school district shall not receive State aid pursuant to section
8 16 of P.L.1990, c.52 (C.18A:7D-18) for the provision of safety busing
9 under this act.

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11 4. The provision of safety busing pursuant to section 3 of this act
12 may be implemented by a school board in the 1996-97 school year
13 notwithstanding that the question of courtesy busing for the school
14 year was not approved at a referendum.

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16 5. This act shall take effect immediately.

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STATEMENT

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21 This bill provides that a board of education which transports pupils
22 to and from school pursuant to N.J.S.18A:39-1 may determine to
23 provide safety busing for elementary school pupils who live less than
24 two miles from school and secondary school pupils who live less than
25 two and one-half miles from school. The determination to provide
26 safety busing would be based on an analysis of hazardous conditions
27 encountered by pupils in walking to and from the schools of the
28 district, and the board may consult with the police chief of the
29 municipality in making its determination. Hazardous conditions are to
30 include such situations as the necessity for pupils to walk along
31 roadways without sidewalks or for pupils to cross a roadway with
32 heavy traffic. The findings of the school board must be presented at
33 a public meeting of the school board. If the board determines to
34 provide safety busing, the busing would be deemed to be required for
35 a thorough and efficient education, and the cost of the busing would
36 be exempt from the calculation of the budget cap of the school district.
37 The district would not be eligible, however, to receive State aid for
38 the transportation. The bill also permits a school board to implement
39 safety busing in the 1996-97 school year notwithstanding that the
40 question of courtesy busing for the school year was not approved at
41 a referendum.

42 Under the current statutes and regulations, a school board which
43 determines to provide transportation of school pupils for safety
44 reasons, commonly known as "courtesy" busing, must seek voter
45 approval if the cost exceeds the school district's budget cap, and the
46 Commissioner of Education may eliminate the transportation in

1 reviewing a budget which was not approved at the annual school
2 election.

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7 The "School Safety Busing Act of 1996."