

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."