

SENATE, No. 1315

STATE OF NEW JERSEY

INTRODUCED JUNE 6, 1996

By Senators LITTELL, EWING, Inverso, Bennett,
Kyrillos and LaRossa

1 AN ACT concerning school transportation, amending various parts of
2 the statutory law and supplementing chapter 39 of Title 18A of the
3 New Jersey Statutes and chapter 3B of Title 39 of the Revised
4 Statutes.

5

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

8

9 1. (New section) The Legislature finds and declares that:

10 a. Since 1906, New Jersey has been a pioneer in providing
11 transportation to students who live remote from their school.

12 b. The New Jersey Department of Education has for many years
13 played a leadership role in advocating and requiring a safe and reliable
14 pupil transportation system.

15 c. At \$249,400,000 in fiscal year 1996, the State aid for pupil
16 transportation is more than the direct services budget for 13 of the 17
17 departments of State and is an amount which pays for 56% of the
18 total cost of all pupil transportation in the State.

19 d. Recently two independent State level reports have called into
20 question the integrity and cost effectiveness of the current system
21 itself. The findings of these reports include:

22 (1) At \$961, New Jersey's per pupil expenditure including State
23 and local funds, is 60% higher than the next two highest states,
24 Connecticut and Massachusetts.

25 (2) Additional research by the New Jersey School Boards
26 Association indicates that if New Jersey's pupil transportation costs
27 could be brought down to an amount no higher than neighboring
28 states, then the current amount of State funding for this purpose would
29 be adequate to transport all currently eligible pupils without the local
30 contribution.

31 (3) While the State has made a commitment to provide
32 transportation services to nonpublic school students who live within
33 a twenty mile radius of the private school, more than 38%, or 33,000

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

Matter underlined thus is new matter.

1 qualified students are still not transported because due to inefficient
2 routing, the costs for their transportation exceed the statutorily
3 permitted amount of \$675, thus necessitating State and local payments
4 to those parents, which last year totaled over \$22,000,000.

5 (4) Data from the Insurance Institute of Highway Safety indicates
6 that, depending on the year, children walking to school are at from 3
7 to 5 times the risk of serious injury compared to those riding a school
8 bus, yet New Jersey transports a smaller percentage of its pupils than
9 any of its neighboring states.

10 e. Centralized bus routing software is widely available and used in
11 other states to maximize the number of students which can be assigned
12 to a given bus route. New Jersey also currently uses the smallest Type
13 I bus in the country. Increasing the capacity of these buses to that
14 which is safely used in other states would also aid efficiency.

15 f. Nothing less than a comprehensive overhaul of the current
16 disjointed system of providing pupil transportation services will result
17 in significant savings, savings which, in turn, can be used to address
18 the related issues of non remote transportation, nonpublic school
19 bussing and increased funds for general State aid to districts.

20

21 2. N.J.S.18A:39-1 is amended to read as follows:

22 18A:39-1. Whenever in any district there are elementary school
23 pupils who live more than two miles from their public school of
24 attendance or secondary school pupils who live more than 2 1/2 miles
25 from their public school of attendance, the district shall provide
26 transportation to and from school for these pupils.

27 [When any school district provides any] If transportation for public
28 school pupils is provided to and from school pursuant to this section,
29 transportation shall be supplied to school pupils residing in [such] a
30 school district in going to and from any remote school other than a
31 public school, not operated for profit in whole or in part[, located
32 within the State not more than 20 miles from the residence of the
33 pupil]; except that if the district is located in a county of the third class
34 with a population of not less than 80,000 and not more than 120,000
35 transportation shall be provided to a nonpublic school located outside
36 the State not more than 20 miles from the residence of the pupil, if
37 there is no appropriate nonpublic school within the State located
38 closer to the residence of the pupil[; provided the per pupil cost of the
39 lowest bid received does not exceed \$675 for the 1992-93 school year
40 or the amount determined for subsequent years pursuant to section 2
41 of P.L.1981, c.57 (C.18A:39-1a), and if such bid shall exceed that cost
42 then the parent, guardian or other person having legal custody of the
43 pupil shall be eligible to receive \$675 for the 1992-93 school year or
44 the amount determined pursuant to section 2 of P.L.1981, c.57
45 (C.18A:39-1a) for subsequent years toward the cost of his
46 transportation to a qualified school other than a public school,

1 regardless of whether such transportation is along established public
2 school routes]. If the per pupil cost of transporting a pupil attending
3 a remote school, other than a public school, exceeds the Statewide
4 average per pupil transportation cost, the parent, guardian or other
5 person having legal custody of the pupil shall be required to pay the
6 amount which exceeds the Statewide average or the pupil shall not be
7 eligible for the transportation provided pursuant to this section. It
8 shall be the obligation of the parent, guardian or other person having
9 legal custody of the pupil attending a remote school, other than a
10 public school, not operating for profit in whole or in part, to register
11 said pupil with the office of the [secretary of the board of education]
12 county superintendent of schools at the time and in the manner
13 specified by rules and regulations of the State board in order to be
14 eligible for the transportation provided by this section. If the
15 registration of any such pupil is not completed by [September] August
16 1 prior to the beginning of the school year [and if it is necessary for
17 the board of education to enter into a contract establishing a new route
18 in order to provide such transportation, then the board shall not be
19 required to provide it, but in lieu thereof the parent, guardian or other
20 person having legal custody of the pupil shall be eligible to receive
21 \$675 or the amount determined pursuant to section 2 of P.L.1981,
22 c.57 (18A:39-1a), or an amount computed by multiplying 1/180 times
23 the number of school days remaining in the school year at the time of
24 registration, times \$675 for the 1992-93 school year or the amount
25 determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a) for
26 subsequent years, whichever is the smaller amount. Whenever any
27 regional school district provides any transportation for pupils
28 attending schools other than public schools pursuant to this section,
29 said regional district shall assume responsibility for the transportation
30 of all such pupils, and the cost of such transportation for pupils below
31 the grade level for which the regional district was organized shall be
32 prorated by the regional district among the constituent districts on a
33 per pupil basis, after approval of such costs by the county
34 superintendent. This section shall not require school districts to
35 provide any transportation for pupils attending a school other than a
36 public school, where the only transportation presently provided by said
37 district is for school children transported pursuant to chapter 46 of
38 Title 18A of the New Jersey Statutes or for pupils transported to a
39 vocational, technical or other public school offering a specialized
40 program] then the right to transportation for the school year shall be
41 forfeited, except that pupils who establish residency in the school
42 district after August 1 shall be eligible to apply for transportation, if
43 otherwise eligible. Any transportation to a school, other than a public
44 school, shall be pursuant to the same rules and regulations
45 promulgated by the State board as governs transportation to any
46 public school.

1 [The board of education may make rules and contracts for the pupil
2 transportation provided pursuant to this section.

3 Nothing in this section shall be so construed as to prohibit a board
4 of education from making contracts for the transportation of pupils to
5 a school in an adjoining district, when such pupils are transferred to
6 the district by order of the county superintendent, or when any pupils
7 shall attend school in a district other than that in which they shall
8 reside by virtue of an agreement made by the respective boards of
9 education.]

10 Nothing herein contained shall limit or diminish in any way any of
11 the provisions for transportation for children pursuant to chapter 46
12 of this Title.

13 (cf: P.L.1992, c.33, s.1)

14

15 3. N.J.S.18A:39-1.1 is amended to read as follows:

16 18A:39-1.1. [In addition to the provision of transportation for
17 pupils] While the county transportation coordinator shall provide all
18 transportation services pursuant to N.J.S.18A:39-1 and
19 N.J.S.18A:46-23, the board of education of any district may provide,
20 by contract or otherwise, in accordance with law and the rules and
21 regulations of the State board, for the transportation of other pupils to
22 and from school and to and from extracurricular activities.

23 Districts shall not receive State aid pursuant to section 16 of
24 P.L.1990, c.52 (C.18A:7D-18) for the transportation of pupils
25 pursuant to this section.

26 (cf: P.L.1990, c.52, s.52)

27

28 4. Section 1 of P.L.1995, c.106 (C.18A:39-1.3) is amended to
29 read as follows:

30 1. Any board of education [which transports pupils to and from
31 school pursuant to N.J.S.18A:39-1] may enter into a contract for the
32 transportation of elementary school pupils who live less than two
33 miles from school and secondary school pupils who live less than two
34 and a half miles from school, and may require that if the parent,
35 guardian or other person having legal custody of the child elects to
36 have the pupil transported pursuant to the contract, then the parent,
37 guardian or other person having legal custody of the child shall pay all
38 or a part of the costs of that transportation, including but not limited
39 to the cost of fuel, driver salaries and insurance. A board of education
40 may also enter into a contract for the transportation of elementary
41 school pupils who live less than two miles and secondary school
42 pupils who live less than two and a half miles from any not for profit
43 nonpublic school which satisfies the maximum distance requirements
44 set forth in N.J.S.18A:39-1 and may require that if the parent,
45 guardian or other person having legal custody of the child elects to
46 have the pupil transported pursuant to the contract, then the parent,

1 guardian or other person having legal custody of the child shall pay all
2 or a part of the costs of that transportation, including but not limited
3 to the cost of fuel, driver salaries and insurance.

4 The costs of the transportation shall be paid at the time and in the
5 manner determined by the board of education.

6 A board of education shall notify the Department of Education
7 when it elects to provide transportation for pupils under the provisions
8 of this act.

9 (cf: P.L.1995, c.106, s.1)

10

11 5. N.J.S.18A:39-2 is amended to read as follows:

12 18A:39-2. a. Any board of education having power to provide for
13 the transportation of school pupils in its district to and from school
14 may provide such transportation by a bus or buses owned by it or may
15 enter into contract for such transportation, approved by the county
16 superintendent, for a term not exceeding 4 years.

17 All multiyear contracts made pursuant to the above taking effect
18 subsequent to September 1, 1975 may, at the discretion of the local
19 board of education, and subject to approval by the county
20 superintendent, be increased not to exceed 7 1/2 annually of the
21 original yearly contract cost beginning with the second year of the
22 contract.

23 b. A county transportation coordinator may enter into contracts for
24 the transportation of school pupils within the county. The contract
25 shall be for a term not to exceed 4 years and shall be approved by the
26 county superintendent.

27 (cf: P.L.1982, c.74, s.2)

28

29 6. N.J.S.18A:39-3 is amended to read as follows:

30 18A:39-3. a. No contract for the transportation of pupils to and
31 from school shall be made, when the amount to be paid during the
32 school year for such transportation shall exceed \$7,500.00 or the
33 amount determined pursuant to subsection b. of this section, and have
34 the approval of the county superintendent of schools, unless the board
35 of education or county transportation coordinator making such
36 contract shall have first publicly advertised for bids therefor, in the
37 case of the board of education, in a newspaper published in the
38 district or, if no newspaper is published therein, in a newspaper
39 circulating in the district, once, at least 10 days prior to the date fixed
40 for receiving proposals for such transportation, and in the case of the
41 county transportation coordinator, in a newspaper published in the
42 county, once, at least 10 days prior to the date fixed for receiving
43 proposals for such transportation, and shall have awarded the contract
44 to the lowest responsible bidder.

45 Nothing in this chapter shall require the advertisement and letting
46 on proposals or bids of annual extensions, approved by the county

1 superintendent, of any contract for transportation entered into through
2 competitive bidding when--

3 (1) Such annual extensions impose no additional cost upon the
4 board of education, regardless of the fact that the route description has
5 changed; or

6 (2) The increase in the original contractual amount as a result of
7 such extensions does not exceed 30% thereof, regardless of the fact
8 that the route description has changed or an aide has been added or
9 removed; or

10 (3) (Deleted by amendment, P.L.1982, c.74.)

11 (4) The increase in the original contractual amount as a result of an
12 extension exceeds 30% thereof, but the following apply to the
13 extensions:

14 (a) The increase is directly attributable to a route change to
15 accommodate new student riders or safety concerns; and

16 (b) The school destination remains unchanged from the original
17 contract.

18 Any such extension as described in this paragraph shall be approved
19 by the county superintendent of schools and shall be bid for the next
20 school year.

21 Nothing in this chapter shall require the immediate bid of any
22 contract renewal for the remainder of a school year in which the only
23 change, in addition to route description, is the bus type. However, any
24 such extension shall be approved by the county superintendent of
25 schools and shall be bid for the next school year.

26 b. The Governor, in consultation with the Department of the
27 Treasury, shall, no later than March 1 of each odd-numbered year,
28 adjust the threshold amount set forth in subsection a. of this section,
29 or subsequent to 1985 the threshold amount resulting from any
30 adjustment under this subsection or section 17 of P.L.1985, c.469, in
31 direct proportion to the rise or fall of the Consumer Price Index for all
32 urban consumers in the New York City and the Philadelphia areas as
33 reported by the United States Department of Labor. The Governor
34 shall, no later than June 1 of each odd-numbered year, notify all local
35 school districts of the adjustment. The adjustment shall become
36 effective on July 1 of each odd-numbered year.

37 (cf: P.L.1991, c.316, s.1)

38

39 7. N.J.S.18A:39-5 is amended to read as follows:

40 18A:39-5. At the time and place fixed in such advertisement for the
41 submission of proposals the board of education, or any committee
42 thereof authorized so to do, or any officer or employee of such board
43 designated therefor, or the county transportation coordinator shall
44 receive such proposals and immediately proceed to unseal the same
45 and publicly announce the contents in the presence of the parties
46 bidding or their agents, if such parties choose to be then and there

1 present. Such board or the county transportation coordinator shall
2 have the right to reject any and all bids. No proposals shall be opened
3 previous to the hour designated in the advertisement and none shall
4 be received thereafter.

5 (cf: N.J.S.18A:39-5)

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7 8. Section 1 P.L.1973, c.248 (C.18A:39-6.1) is amended to read
8 as follows:

9 1. In every contract for the transportation of pupils to and from
10 school entered into by a board of education or the county
11 transportation coordinator, the costs of furnishing the liability
12 insurance coverage required under N.J.S. 18A:39-6 shall be based on
13 the insurance rate applicable only to such transportation.

14 (cf: P.L.1973, c.248, s.1)

15

16 9. N.J.S.18A:39-12 is amended to read as follows:

17 18A:39-12. Any such joint transportation shall be provided under
18 the terms of an agreement adopted by resolution of each of the boards
19 of education concerned wherein shall be set forth the essential
20 information concerning the transportation to be provided, the method
21 of computing the proportion of the cost each party to the agreement
22 shall assume [, and the proportion of the state aid to which each
23 district shall be entitled], and any other matters deemed necessary to
24 carry out the purposes of the agreement.

25 (cf: N.J.S.18A:39-12)

26

27 10. N.J.S.18A:39-18 is amended to read as follows:

28 18A:39-18. In each school year, prior to the beginning of
29 transportation of school pupils under a contract awarded by a board
30 of education or the county transportation coordinator, the contractor
31 shall furnish to the county superintendent the name, social security
32 number, and certification of a valid school bus driver's license and
33 criminal background check of each driver or substitute driver to be
34 assigned to any vehicle in the performance of his contract.

35 (cf: P.L.1989, c.104, s.2)

36

37 11. (New section) a. There shall be a county transportation

38 coordinator in each office of the county superintendent of schools,
39 except as provided in subsection b. of this section. Subject to the
40 approval of the county superintendent of schools and under the general
41 supervision of the Bureau of Pupil Transportation in the Department
42 of Education, the county transportation coordinator shall undertake all
43 activities to promote the safe and efficient transportation of students
44 to and from public and nonpublic schools pursuant to N.J.S.18A:39-1
45 and N.J.S.18A:46-23. The duties of the county transportation
46 coordinator shall include:

1 (1) determining routes for the most efficient loading of busses at
2 all time within the county. In determining the routes, the county
3 transportation coordinator shall consider the safety of the students
4 being transported;

5 (2) the placing of all routes within the county for bid and the
6 awarding of the bid to the lowest responsible bidder;

7 (3) determining the apportionment of local district costs;

8 (4) determining the appropriate opening and closing times and
9 school calendars of public and nonpublic schools to effectuate the
10 purposes of this act. Any impact of a change in workday for a school
11 board employee shall not be negotiable during the current contract
12 period;

13 (5) the coordination with other county transportation coordinators
14 of the transportation of students across county lines whenever, in the
15 judgment of the coordinators, those routes would make economic
16 sense; and,

17 (6) assisting a local board of education, at the board's request, with
18 the coordination of transportation provided by the board of education
19 for pupils to and from school and for extracurricular activities.

20 b. A county educational services commission which is providing
21 coordinated transportation services on the effective date of this act,
22 and which can demonstrate to the Commissioner of Education its
23 ability to expand those services to include all of the districts and
24 nonpublic schools in the county, may be designated by the
25 Commissioner of Education as the county transportation coordinator.
26 The Commissioner of Education shall evaluate and provide a cost
27 analysis of the transportation services provided by the county
28 educational services commission and determine whether a county
29 transportation coordinator should be appointed.

30 c. Payment of the local district costs for transportation, as
31 apportioned by the county transportation coordinator pursuant to
32 paragraph (3) of subsection a. of this section, shall be an obligation
33 of the school district and payments shall be made to the county
34 transportation coordinator during the school year in a manner
35 determined by the Commissioner of Education.

36
37 12. (New section) The maximum permissible seating capacity of a
38 Type I school bus shall not be in excess of 66. The maximum overall
39 length of the bus shall not exceed 40 feet and the maximum overhang
40 of the body to the rear of the rear axle shall not exceed one-third of
41 the total length of the bus. A minimum of 15 inches of seat space shall
42 be provided for each passenger.

43
44 13. (New section) Nothing in this act shall limit or diminish in any
45 way any of the provisions for transportation for children pursuant to
46 chapter 46 of Title 18A of the New Jersey Statutes.

1 having legal custody of a pupil attending a nonpublic school would be
2 eliminated.

3 The establishment of county transportation coordinators will create
4 a more efficient pupil transportation system that will be less costly.
5 Pursuant to the bill, the State will assume 100% of the costs of
6 mandatory pupil transportation. Therefore, the savings that will result
7 from a more efficient system will be able to be used by local school
8 districts for such programs as property tax relief, educational
9 programming and courtesy bussing along hazardous routes.

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14 Establishes county transportation coordinator for all school bus routes.