

ASSEMBLY, No. 5400

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes Office of School Bus Safety Coordinator in DOE to oversee school busing industry and ensure safe transportation of school students.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/23/2021)

1 AN ACT concerning school bus safety, supplementing chapter 39 of
2 Title 18A of the New Jersey Statutes, and amending
3 N.J.S.18A:39-3.

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

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8 1. (New section) a. There is established in the Department of
9 Education the Office of the School Bus Safety Coordinator. The
10 purpose of the office is to oversee the school busing industry and to
11 coordinate enforcement and accountability among the department,
12 school bus drivers, school bus contractors, and the New Jersey
13 Motor Vehicle Commission.

14 b. The Commissioner of Education shall appoint the School
15 Bus Safety Coordinator, who shall be qualified by training and
16 experience to perform the duties of the office, from among current
17 department employees. The coordinator shall be a person of
18 recognized judgment, integrity, and objectivity, and shall be skilled
19 in communication, conflict resolution, and professionalism.

20 c. The coordinator shall organize and direct the work of the
21 office, including the work of such professional and clerical staff as
22 may be necessary to carry out the coordinator's duties.

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24 2. (New section) a. The duties of the School Bus Safety
25 Coordinator shall include, but not be limited to, the following:

26 (1) collect and review a school bus driver's name, address, and
27 fingerprints prior to the school bus driver's employment and upon
28 application for renewal of a school bus driver's license, and all
29 subsequent duties assigned to the Commissioner of Education for a
30 criminal history check or check for alcohol and drug-related motor
31 vehicle violations pursuant to section 6 of P.L.1989, c.104
32 (C.18A:39-19.1);

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

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

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

43 (5) the establishment of a publicly accessibly database which
44 compiles the violations and subsequent fines of a school bus driver,
45 the board of education, nonpublic school, or school bus contractor

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.

1 which employs the school bus driver, and the agency which levied
2 the violation and fine against the school bus driver. The coordinator
3 shall develop and implement an appeal mechanism to resolve any
4 dispute raised by a school bus driver concerning inclusion in the
5 database.

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

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

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

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

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24 3. (New section) The coordinator shall submit an annual report
25 to the Governor, the Legislature pursuant to section 2 of P.L.1991,
26 c.164 (C.52:14-19.1), and the New Jersey Motor Vehicle
27 Commission which includes a summary of the services provided,
28 and enforcement actions taken, by the coordinator during the school
29 year, and any specific recommendations the coordinator deems
30 appropriate and necessary concerning the oversight and
31 management of the school busing industry.

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

34 18A:39-3. a. No contract for the transportation of pupils to and
35 from school shall be made, when the amount to be paid during the
36 school year for such transportation shall exceed \$7,500.00 or the
37 amount determined pursuant to subsection b. of this section, and
38 have the approval of the executive county superintendent of
39 schools, unless the board of education making such contract shall
40 have first publicly advertised for bids therefor in a newspaper
41 published in the district or, if no newspaper is published therein, in
42 a newspaper circulating in the district, once, at least 10 days prior to
43 the date fixed for receiving proposals for such transportation, and
44 shall have awarded the contract to the lowest responsible bidder,
45 except that the board of education shall not award the contract to
46 the lowest responsible bidder if the Office of the School Bus Safety
47 Coordinator, established pursuant to section 1 of P.L. c. (C.)
48 (pending before the Legislature as this bill), determines that the

1 bidder has a poor performance record or has committed multiple
2 violations, as compiled in the database established pursuant to
3 paragraph (5) of subsection a. of section 2 of P.L. c. (C.)
4 (pending before the Legislature as this bill).

5 Nothing in this chapter shall require the advertisement and
6 letting on proposals or bids of annual extensions, approved by the
7 executive county superintendent, of any contract for transportation
8 entered into through competitive bidding when--

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

12 (2) The increase in the contractual amount as a result of such
13 extensions does not exceed the rise in the Consumer Price Index as
14 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
15 school year, regardless of the fact that the route description has
16 changed or an aide has been added or removed; or

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

18 (4) The increase in the contractual amount as a result of an
19 extension exceeds the rise in the Consumer Price Index as defined
20 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
21 but the following apply to the extensions:

22 (a) The increase is directly attributable to a route change to
23 accommodate new student riders or safety concerns as provided for
24 in the original bid, or the increase is directly attributable to the
25 addition of an aide as provided for in the original bid; and

26 (b) The school destination remains unchanged from the original
27 contract.

28 Any such extension as described in this paragraph shall require
29 the approval of the executive county superintendent of schools.

30 Nothing in this chapter shall require the immediate bid of any
31 contract renewal for the remainder of a school year in which the
32 only change, in addition to route description, is the bus type.
33 However, any such extension shall be approved by the executive
34 county superintendent of schools and shall be bid for the next
35 school year.

36 b. The Governor, in consultation with the Department of the
37 Treasury, shall, no later than March 1 of each odd-numbered year,
38 adjust the threshold amount set forth in subsection a. of this section,
39 or subsequent to 1985 the threshold amount resulting from any
40 adjustment under this subsection or section 17 of P.L.1985, c.469,
41 in direct proportion to the rise or fall of the Consumer Price Index
42 for all urban consumers in the New York City and the Philadelphia
43 areas as reported by the United States Department of Labor. The
44 Governor shall, no later than June 1 of each odd-numbered year,
45 notify all local school districts of the adjustment. The adjustment
46 shall become effective on July 1 of each odd-numbered year.

47 (cf: P.L.2007, c.260, s.66)

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill establishes the Office of the School Bus Safety
7 Coordinator in the Department of Education. The purpose of the
8 office is to oversee the school busing industry and to coordinate
9 enforcement and accountability among the department, school bus
10 drivers, school bus contractors, and the New Jersey Motor Vehicle
11 Commission.

12 Under the bill, the duties of the School Bus Safety Coordinator
13 include, at a minimum, the following:

14 (1) collect and review a school bus driver's name, address, and
15 fingerprints prior to the school bus driver's employment and upon
16 application for renewal of a school bus driver's license, and all
17 subsequent duties assigned to the Commissioner of Education for a
18 criminal history check or check for alcohol and drug-related motor
19 vehicle violations pursuant to current law;

20 (2) collect and review all training certifications for school bus
21 drivers from employers pursuant to current law requiring training of
22 school bus drivers and school bus aides on interacting with students
23 with special needs;

24 (3) assist in the development of a student information card that
25 is required under law to include information that should be readily
26 available to a school bus driver and school bus aide for promoting
27 proper interaction with a student with special needs;

28 (4) collect and review statements provided by a board of
29 education or contractor that verify a school bus driver, whose bus
30 driver's license is suspended or revoked, no longer operates a
31 school bus for the board or contractor;

32 (5) the establishment of a publicly accessible database which
33 compiles the violations and subsequent fines of a school bus driver,
34 the board of education, nonpublic school, or school bus contractor
35 which employs the school bus driver, and the agency which levied
36 the violation and fine against the school bus driver. The coordinator
37 will develop and implement an appeal mechanism to resolve any
38 dispute raised by a school bus driver concerning inclusion in the
39 database;

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

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

44 (8) any other duties the commissioner deems appropriate to
45 ensure the safety of school buses for students in the State.

46 Under current law, a board of education is required to award a
47 contract for the transportation of pupils to and from school to the
48 lowest responsible bidder. This bill amends that law to provide that

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1 the board of education will not award the contract to the lowest
2 responsible bidder if the Office of the School Bus Safety
3 Coordinator determines that the bidder has a poor performance
4 record or has committed multiple violations.

5 The provisions of this bill are based on an editorial that appeared
6 in the Asbury Park Press on December 29, 2020 concerning ways to
7 ensure the safe transportation of school students.