

[Second Reprint]

**ASSEMBLY, No. 5814**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JUNE 1, 2021

**Sponsored by:**

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**District 38 (Bergen and Passaic)**

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**District 38 (Bergen and Passaic)**

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**District 14 (Mercer and Middlesex)**

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**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

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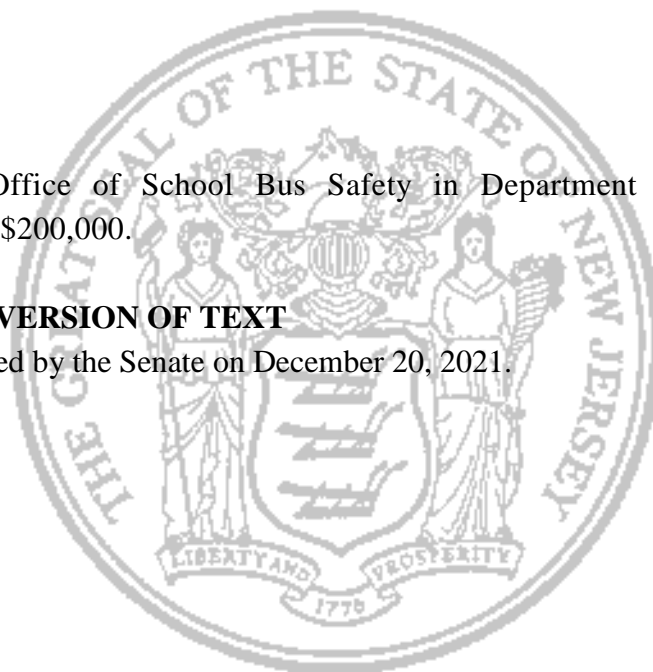
**Karabinchak and Senator Corrado**

**SYNOPSIS**

Creates Office of School Bus Safety in Department of Education;  
appropriates \$200,000.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 20, 2021.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning school bus safety <sup>2</sup>**[and]**,<sup>2</sup> supplementing  
 2 chapter 39 of Title 18A of the New Jersey Statutes <sup>2</sup>, and making  
 3 an appropriation<sup>2</sup>.

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

7  
 8 1. a. There is established in <sup>2</sup>**[but not of]**<sup>2</sup> the Department of  
 9 Education the Office of <sup>2</sup>**[the]**<sup>2</sup> School Bus Safety <sup>2</sup>**[Ombudsman]**.  
 10 For the purpose of complying with the provisions of Article V,  
 11 Section IV, paragraph 1 of the New Jersey Constitution, the Office  
 12 of the School Bus Safety Ombudsman is hereby allocated within the  
 13 Department of Education, but notwithstanding this allocation, the  
 14 office shall be independent of any supervision or control by the  
 15 department or any board or officer thereof, or any other cabinet-  
 16 level department, board, or officer thereof]<sup>2</sup>. The purpose of the  
 17 office is to oversee the school busing industry and to coordinate  
 18 enforcement and accountability among the department, school bus  
 19 drivers, <sup>2</sup>and<sup>2</sup> school bus contractors <sup>2</sup>**[**, and the New Jersey Motor  
 20 Vehicle Commission]<sup>2</sup>.

21 b. The <sup>2</sup>**[Governor shall appoint a School Bus Safety**  
 22 **Ombudsman, who shall be]** Commissioner of Education shall  
 23 establish the office, which shall consist of individuals<sup>2</sup> qualified by  
 24 training and experience <sup>1</sup>related to the school bus industry in order<sup>1</sup>  
 25 to perform the duties of the office. The <sup>2</sup>**[ombudsman]** staff<sup>2</sup> shall  
 26 be <sup>2</sup>supervised by<sup>2</sup> a person of recognized judgment, integrity, and  
 27 objectivity, and shall be skilled in communication, conflict  
 28 resolution, and professionalism.

29 c. The <sup>2</sup>**[ombudsman]** office<sup>2</sup> shall <sup>2</sup>**[organize and direct the**  
 30 **work of the office, including]** be responsible for<sup>2</sup> the work of such  
 31 professional and clerical staff as may be necessary to carry out the  
 32 <sup>2</sup>**[ombudsman's duties]** the office's responsibilities<sup>2</sup>.

33  
 34 2. a. The duties of the <sup>2</sup>Office of<sup>2</sup> School Bus Safety  
 35 <sup>2</sup>**[Ombudsman]**<sup>2</sup> shall include, but <sup>2</sup>need<sup>2</sup> not be limited to, the  
 36 following:

37 (1) <sup>2</sup>**[review]** reviewing<sup>2</sup> a school bus driver's information  
 38 collected by the Commissioner of Education pursuant to section 6  
 39 of P.L.1989, c.104 (C.18A:39-19.1);

40 (2) <sup>2</sup>**[review all]** obtaining statements of assurance from school  
 41 districts or contractors that all<sup>2</sup> training certifications for school bus  
 42 drivers from employers pursuant to subsection b. of section 2 of  
 43 P.L.2015, c.123 (C.18A:39-19.3) <sup>2</sup>are complete<sup>2</sup>;

**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:

<sup>1</sup>Assembly ATR committee amendments adopted June 14, 2021.

<sup>2</sup>Senate floor amendments adopted December 20, 2021.

- 1 (3) **assist** assisting<sup>2</sup> in the development of a student  
2 information card pursuant to section 3 of P.L.2015, c.123 (18A:39-  
3 19.4);
- 4 (4) **review** reviewing<sup>2</sup> statements provided by a board of  
5 education or contractor that verify a school bus driver, whose bus  
6 driver's license is suspended or revoked, no longer operates a  
7 school bus for the board or contractor pursuant to section 1 of  
8 P.L.2018, c.152 (C.18A:39-19.6);
- 9 (5) **the establishment of a publicly accessibly database that**  
10 compiles the violations and subsequent fines of school bus drivers,  
11 school bus contractors that employ the school bus drivers, and the  
12 owners, operators, or any officers associated with the school bus  
13 contractor. The ombudsman shall develop and implement an appeal  
14 mechanism to resolve any dispute raised by a school bus driver,  
15 school bus contractor, or owner, operator, or officer associated with  
16 a school bus company concerning inclusion in the database**]**  
17 coordinating with the Motor Vehicle Commission and the  
18 Department of Law and Public Safety on the sharing of information  
19 regarding matters related to school bus safety. The Motor Vehicle  
20 Commission and the Department of Law and Public Safety shall,  
21 pursuant to a valid Memorandum of Understanding and to the  
22 extent permitted by law, share information with the office to assist  
23 in effectuating the provisions of this act<sup>2</sup>;
- 24 (6) maintain a list of all persons barred from bidding on any  
25 pupil transportation contract pursuant to section 3 of **P.L. , c.**  
26 **(C. )** (pending before the Legislature as Assembly Bill No.  
27 5818 or Senate Bill No. 3849 of 2021) **P.L.2021, c.307 (C.18A:39-**  
28 **11.5)**<sup>2</sup>;
- 29 (7) render a decision as to whether a person shall be debarred  
30 from bidding on a pupil transportation contract pursuant to the  
31 provisions of **P.L. ,c. (C. )** (pending before the  
32 Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of  
33 2021) **P.L.2021, c.307 (C.18A:39-11.5)**<sup>2</sup>;
- 34 (8) **collect** collecting<sup>2</sup> and **review** reviewing<sup>2</sup> the name,  
35 address, and contact information of school bus contractors and the  
36 owners of school bus contracting companies;
- 37 (9) **determine** determining<sup>2</sup> if a board of education or  
38 contractor has failed to comply with the provisions of  
39 N.J.S.18A:39-20;
- 40 (10) **review** reviewing<sup>2</sup> and **recommend** recommending<sup>2</sup>  
41 changes to the commissioner of the rules and regulations governing  
42 school bus safety; and
- 43 (11) any other duties the **ombudsman** commissioner<sup>2</sup> deems  
44 appropriate to ensure the safety of school buses for students in the  
45 State.

1       b. The <sup>2</sup>[ombudsman] office<sup>2</sup> shall treat communications  
2 received in the course of the <sup>2</sup>[ombudsman's] office's<sup>2</sup> duties,  
3 including personally identifiable information regarding students,  
4 parents or guardians, school bus drivers, and others from whom  
5 information is acquired, as confidential, except when disclosure is  
6 necessary to enable the <sup>2</sup>[ombudsman] office<sup>2</sup> to perform the duties  
7 of the office and consent for disclosure is obtained. Upon receipt of  
8 information that by law is confidential or privileged, the  
9 <sup>2</sup>[ombudsman] Department of Education<sup>2</sup> shall maintain the  
10 confidentiality of such information and shall not disclose or  
11 disseminate the information except as provided by applicable State  
12 or federal law.

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

18  
19       3. The <sup>2</sup>[ombudsman] Department of Education<sup>2</sup> shall submit  
20 an <sup>2</sup>[annual] initial<sup>2</sup> report to the Governor <sup>2</sup>[.] and to<sup>2</sup> the  
21 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
22 <sup>2</sup>[and the New Jersey Motor Vehicle Commission]<sup>2</sup> which includes  
23 a summary of the services provided, and enforcement actions taken  
24 <sup>2</sup>[, by the ombudsman during the school year, and] . A report shall  
25 be issued annually thereafter to the Commissioner of Education by  
26 the Office of School Bus Safety containing<sup>2</sup> any specific  
27 recommendations the <sup>2</sup>[ombudsman] office<sup>2</sup> deems appropriate and  
28 necessary concerning the oversight and management within the  
29 <sup>2</sup>[ombudsman's] department's<sup>2</sup> purview.

30  
31       <sup>2</sup>4. There is appropriated from the General Fund to the  
32 Department of Education \$200,000 to effectuate the provision's of  
33 this act.<sup>2</sup>

34  
35       <sup>2</sup>[4.] 5.<sup>2</sup> This act shall take effect <sup>2</sup>[with the enactment into  
36 law of P.L. , c. (C. ) (pending before the Legislature as  
37 Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021)]  
38 immediately<sup>2</sup>.