

§§1-3
C.18A:39-34 to
18A:39-36
§4
Approp.

P.L. 2021, CHAPTER 471, *approved January 18, 2022*
Assembly, No. 5814 (*Second Reprint*)

1 AN ACT concerning school bus safety ²**[and]**,² supplementing
2 chapter 39 of Title 18A of the New Jersey Statutes ², and making
3 an appropriation².
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 ²**[but not of]**² the Department of
9 Education the Office of ²**[the]**² School Bus Safety ²**[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]². 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, ²and² school bus contractors ²**[**, and the New Jersey Motor
20 Vehicle Commission]².

21 b. The ²**[Governor shall appoint a School Bus Safety**
22 **Ombudsman, who shall be]** Commissioner of Education shall
23 establish the office, which shall consist of individuals² qualified by
24 training and experience ¹related to the school bus industry in order¹
25 to perform the duties of the office. The ²**[ombudsman]** staff² shall
26 be ²supervised by² a person of recognized judgment, integrity, and
27 objectivity, and shall be skilled in communication, conflict
28 resolution, and professionalism.

29 c. The ²**[ombudsman]** office² shall ²**[organize and direct the**
30 **work of the office, including]** be responsible for² the work of such
31 professional and clerical staff as may be necessary to carry out the
32 ²**[ombudsman's duties]** the office's responsibilities².
33

34 2. a. The duties of the ²Office of² School Bus Safety
35 ²**[Ombudsman]**² shall include, but ²need² not be limited to, the
36 following:

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:

¹Assembly ATR committee amendments adopted June 14, 2021.

²Senate floor amendments adopted December 20, 2021.

- 1 (1) ²**[review]** reviewing² a school bus driver's information
2 collected by the Commissioner of Education pursuant to section 6
3 of P.L.1989, c.104 (C.18A:39-19.1);
- 4 (2) ²**[review all]** obtaining statements of assurance from school
5 districts or contractors that all² training certifications for school bus
6 drivers from employers pursuant to subsection b. of section 2 of
7 P.L.2015, c.123 (C.18A:39-19.3) ²are complete²;
- 8 (3) ²**[assist]** assisting² in the development of a student
9 information card pursuant to section 3 of P.L.2015, c.123 (18A:39-
10 19.4);
- 11 (4) ²**[review]** reviewing² statements provided by a board of
12 education or contractor that verify a school bus driver, whose bus
13 driver's license is suspended or revoked, no longer operates a
14 school bus for the board or contractor pursuant to section 1 of
15 P.L.2018, c.152 (C.18A:39-19.6);
- 16 (5) ²**[the establishment of a publicly accessibly database that**
17 **compiles the violations and subsequent fines of school bus drivers,**
18 **school bus contractors that employ the school bus drivers, and the**
19 **owners, operators, or any officers associated with the school bus**
20 **contractor. The ombudsman shall develop and implement an appeal**
21 **mechanism to resolve any dispute raised by a school bus driver,**
22 **school bus contractor, or owner, operator, or officer associated with**
23 **a school bus company concerning inclusion in the database]**
24 coordinating with the Motor Vehicle Commission and the
25 Department of Law and Public Safety on the sharing of information
26 regarding matters related to school bus safety. The Motor Vehicle
27 Commission and the Department of Law and Public Safety shall,
28 pursuant to a valid Memorandum of Understanding and to the
29 extent permitted by law, share information with the office to assist
30 in effectuating the provisions of this act²;
- 31 (6) maintain a list of all persons barred from bidding on any
32 pupil transportation contract pursuant to section 3 of ²**[P.L. , c.**
33 **(C.) (pending before the Legislature as Assembly Bill No.**
34 **5818 or Senate Bill No. 3849 of 2021)]** P.L.2021, c.307 (C.18A:39-
35 11.5)²;
- 36 (7) render a decision as to whether a person shall be debarred
37 from bidding on a pupil transportation contract pursuant to the
38 provisions of ²**[P.L. ,c. (C.) (pending before the**
39 **Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of**
40 **2021)]** P.L.2021, c.307 (C.18A:39-11.5)²;
- 41 (8) ²**[collect]** collecting² and ²**[review]** reviewing² the name,
42 address, and contact information of school bus contractors and the
43 owners of school bus contracting companies;
- 44 (9) ²**[determine]** determining² if a board of education or
45 contractor has failed to comply with the provisions of
46 N.J.S.18A:39-20;

1 (10) ²**[review]** reviewing² and ²**[recommend]** recommending²
 2 changes to the commissioner of the rules and regulations governing
 3 school bus safety; and

4 (11) any other duties the ²**[ombudsman]** commissioner² deems
 5 appropriate to ensure the safety of school buses for students in the
 6 State.

7 b. The ²**[ombudsman]** office² shall treat communications
 8 received in the course of the ²**[ombudsman's]** office's² duties,
 9 including personally identifiable information regarding students,
 10 parents or guardians, school bus drivers, and others from whom
 11 information is acquired, as confidential, except when disclosure is
 12 necessary to enable the ²**[ombudsman]** office² to perform the duties
 13 of the office and consent for disclosure is obtained. Upon receipt of
 14 information that by law is confidential or privileged, the
 15 ²**[ombudsman]** Department of Education² shall maintain the
 16 confidentiality of such information and shall not disclose or
 17 disseminate the information except as provided by applicable State
 18 or federal law.

19 c. As used in this section, "person" means an individual and
 20 any business, including any corporation, partnership, association, or
 21 proprietorship in which such individual is a principal, or with
 22 respect to which the individual owns, directly or indirectly, or
 23 controls any of the stock or other equity interest of such business.
 24

25 3. The ²**[ombudsman]** Department of Education² shall submit
 26 an ²**[annual]** initial² report to the Governor ²**[,]** and to² the
 27 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
 28 ²**[and the New Jersey Motor Vehicle Commission]**² which includes
 29 a summary of the services provided, and enforcement actions taken
 30 ²**[, by the ombudsman during the school year, and]** . A report shall
 31 be issued annually thereafter to the Commissioner of Education by
 32 the Office of School Bus Safety containing² any specific
 33 recommendations the ²**[ombudsman]** office² deems appropriate and
 34 necessary concerning the oversight and management within the
 35 ²**[ombudsman's]** department's² purview.
 36

37 ²4. There is appropriated from the General Fund to the
 38 Department of Education \$200,000 to effectuate the provision's of
 39 this act.²
 40

41 ²**[4.]** 5.² This act shall take effect ²**[with the enactment into**
 42 **law of P.L. , c. (C.) (pending before the Legislature as**
 43 **Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021)]**
 44 immediately².

1 _____
2
3 Creates Office of School Bus Safety in Department of Education;
4 appropriates \$200,000.