

SENATE, No. 1356

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Revises mileage limit for mandatory school transportation for students in preschool through grade four.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning pupil transportation and revising various parts
2 of the statutory law.

3

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

6

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

8 18A:39-1. Whenever in any school district there are **【elementary**
9 **school】** pupils in grades preschool through four who live more than
10 1 1/2 miles from their public school of attendance, or pupils in
11 grades five through eight who live more than two miles from their
12 public school of attendance, or **【secondary school】** pupils in grades
13 nine through 12 who live more than 2 1/2 miles from their public
14 school of attendance, the district shall provide transportation to and
15 from school for these pupils.

16 When any school district provides any transportation for public
17 school pupils to and from school pursuant to this section,
18 transportation shall be supplied to school pupils residing in such
19 school district in going to and from any remote school other than a
20 public school, not operated for profit in whole or in part, located
21 within the State not more than 20 miles from the residence of the
22 pupil; except that if the district is located in a county of the third
23 class with a population of not less than 80,000 and not more than
24 120,000 transportation shall be provided to a nonpublic school
25 located outside the State not more than 20 miles from the residence
26 of the pupil, if there is no appropriate nonpublic school within the
27 State located closer to the residence of the pupil; provided the per
28 pupil cost of the lowest bid received does not exceed \$675 for the
29 1992-93 school year or the amount determined for subsequent years
30 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), and if such
31 bid shall exceed that cost then the parent, guardian or other person
32 having legal custody of the pupil shall be eligible to receive \$675
33 for the 1992-93 school year or the amount determined pursuant to
34 section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years
35 toward the cost of his transportation to a qualified school other than
36 a public school, regardless of whether such transportation is along
37 established public school routes. It shall be the obligation of the
38 parent, guardian or other person having legal custody of the pupil
39 attending a remote school, other than a public school, not operating
40 for profit in whole or in part, to register said pupil with the office of
41 the secretary of the board of education at the time and in the manner
42 specified by rules and regulations of the State board in order to be
43 eligible for the transportation provided by this section. If the
44 registration of any such pupil is not completed by September 1 of
45 the school year and if it is necessary for the board of education to

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 enter into a contract establishing a new route in order to provide
2 such transportation, then the board shall not be required to provide
3 it, but in lieu thereof the parent, guardian or other person having
4 legal custody of the pupil shall be eligible to receive \$675 or the
5 amount determined pursuant to section 2 of P.L.1981, c.57
6 (18A:39-1a), or an amount computed by multiplying 1/180 times
7 the number of school days remaining in the school year at the time
8 of registration, times \$675 for the 1992-93 school year or the
9 amount determined pursuant to section 2 of P.L.1981, c.57
10 (C.18A:39-1a) for subsequent years, whichever is the smaller
11 amount. Whenever any regional school district provides any
12 transportation for pupils attending schools other than public schools
13 pursuant to this section, said regional district shall assume
14 responsibility for the transportation of all such pupils, and the cost
15 of such transportation for pupils below the grade level for which the
16 regional district was organized shall be prorated by the regional
17 district among the constituent districts on a per pupil basis, after
18 approval of such costs by the county superintendent. This section
19 shall not require school districts to provide any transportation for
20 pupils attending a school other than a public school, where the only
21 transportation presently provided by said district is for school
22 children transported pursuant to chapter 46 of Title 18A of the New
23 Jersey Statutes or for pupils transported to a vocational, technical or
24 other public school offering a specialized program. Any
25 transportation to a school, other than a public school, shall be
26 pursuant to the same rules and regulations promulgated by the State
27 board as governs transportation to any public school.

28 The board of education may make rules and contracts for the
29 pupil transportation provided pursuant to this section.

30 Nothing in this section shall be so construed as to prohibit a
31 board of education from making contracts for the transportation of
32 pupils to a school in an adjoining district, when such pupils are
33 transferred to the district by order of the county superintendent, or
34 when any pupils shall attend school in a district other than that in
35 which they shall reside by virtue of an agreement made by the
36 respective boards of education.

37 Nothing herein contained shall limit or diminish in any way any
38 of the provisions for transportation for children pursuant to chapter
39 46 of this Title.

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

41

42 2. Section 1 of P.L.2011, c.132 (C.18A:39-1c) is amended to
43 read as follows:

44 1. a. Notwithstanding the provisions of N.J.S.18A:39-1 or any
45 other section of law to the contrary, a school district shall not be
46 required to provide transportation services for the school year to
47 **【an elementary school】** a pupil in grades preschool through four
48 who lives more than 1 1/2 miles from his public school of

1 attendance, or to a pupil in grades five through eight who lives
2 more than two miles from his public school of attendance, or to a
3 **【secondary school】** pupil in grades nine through 12 who lives more
4 than 2 1/2 miles from his public school of attendance if the pupil's
5 parent or guardian signs a written statement that the pupil waives
6 transportation services for that school year. The written statement
7 shall be in such form as determined by the Department of
8 Education.

9 b. In the event that a parent or guardian signs a waiver pursuant
10 to subsection a. of this section, the school district shall develop a
11 policy for the provision of transportation services to the pupil in the
12 case of a family or economic hardship.
13 (cf: P.L.2011, c.132, s.1)
14

15 3. Section 1 of P.L.2001, c.327 (C:18A:39-1.8) is amended to
16 read as follows:

17 1. Any board of education which transports pupils to and from
18 school pursuant to N.J.S.18A:39-1 may provide, on a space-
19 available basis, for the transportation of **【elementary school】** pupils
20 in grades preschool through four who live less than one and a half
21 miles from school, pupils in grades five through eight who live less
22 than two miles from school, and **【secondary school】** pupils in
23 grades nine through 12 who live less than two and a half miles from
24 school along an established school bus route, and may require that
25 if the parent, guardian or other person having legal custody of the
26 child elects to have the pupil transported, the parent, guardian or
27 other person having legal custody of the child shall pay all or a part
28 of the costs of that transportation. A board of education may also
29 provide, on a space-available basis, for the transportation of
30 **【elementary school】** pupils in grades preschool through four who
31 live less than one and a half miles, pupils in grades five through
32 eight who live less than two miles, and **【secondary school】** pupils
33 in grades nine through 12 who live less than two and a half miles
34 from any not for profit nonpublic school which satisfies the
35 maximum distance requirements set forth in N.J.S.18A:39-1 along
36 an established school bus route, and may require that if the parent,
37 guardian or other person having legal custody of the child elects to
38 have the pupil transported, the parent, guardian or other person
39 having legal custody of the child shall pay all or a part of the costs
40 of that transportation. The costs of the transportation shall be paid
41 at the time and in the manner determined by the board of education,
42 provided that the costs shall be equitable for both public and
43 nonpublic pupils.

44 A board of education shall notify the Department of Education
45 when it elects to provide transportation for pupils under the
46 provisions of this act.

47 (cf: P.L.2001, c.327, s.1)

1 4. Section 9 of P.L.2010, c.65 (C.18A:36B-22) is amended to
2 read as follows:

3 9. a. Transportation, or aid in-lieu-of transportation, shall be
4 provided to **【an elementary school】** a pupil in grades preschool
5 through four who lives more than one and one-half miles from the
6 choice district school of attendance, to a pupil in grades five
7 through eight who lives more than two miles from the choice
8 district school of attendance , and to a **【secondary school】** pupil in
9 grades nine through 12 who lives more than two and one-half miles
10 from the choice district school of attendance, provided the choice
11 district school is not more than 20 miles from the residence of the
12 pupil. Transportation, or aid in-lieu-of transportation, shall be the
13 responsibility of the sending district. The choice district and the
14 sending district may enter into a shared service agreement in
15 accordance with the "Uniform Shared Services and Consolidation
16 Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through
17 C.40A:65-35).

18 b. Notwithstanding the provisions of section 20 of P.L.2007,
19 c.260 (C.18A:7F-62) to the contrary, the sending district shall
20 receive State aid for transportation calculated pursuant to section 15
21 of P.L.2007, c.260 (C.18A:7F-57) for a student transported or
22 receiving aid-in-lieu-of transportation pursuant to subsection a. of
23 this section.

24 (cf: P.L.2010, c.65, s.9)

25

26 5. This act shall take effect in the first full school year
27 following the date of enactment.

28

29

30

STATEMENT

31

32 Under current law, a school district is required to provide
33 transportation to elementary school students who live more than
34 two miles from their public school of attendance and to high school
35 students who live more than two and one-half miles from their
36 public school of attendance. This bill would amend current law to
37 require a school district to provide transportation to students in
38 preschool through grade four who live more than one and one-half
39 miles from their public school of attendance. The bill retains the
40 existing distance requirement of more than two miles for students in
41 grades five through eight, and the existing distance requirement of
42 more than two and one-half miles for high school students.

43 The bill also amends the transportation eligibility criteria under
44 the "Interdistrict Public School Choice Program Act" to align with
45 the mileage change made by the bill for public school students in
46 preschool through grade four.