

[First Reprint]

SENATE, No. 3851

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

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District 38 (Bergen and Passaic)

Senator PATRICK J. DIEGNAN, JR.

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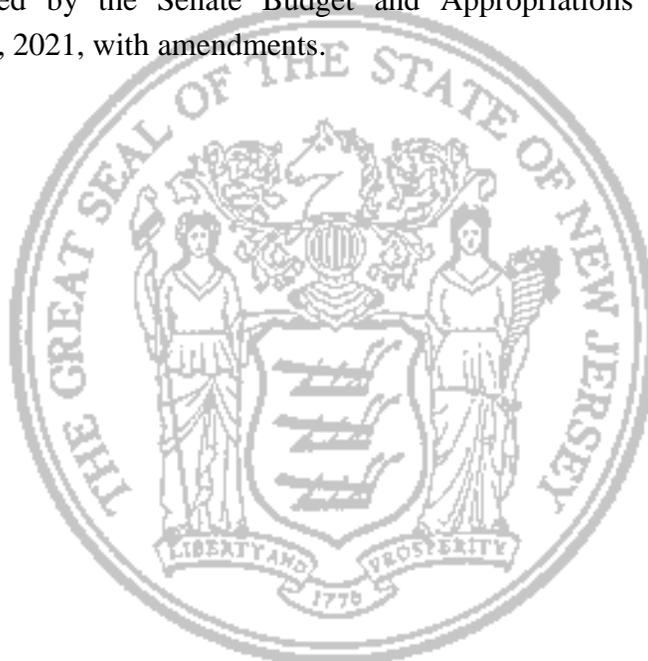
Senator Corrado

SYNOPSIS

Creates School Bus Safety Ombudsman position in, but not of, Department of Education.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 16, 2021, with amendments.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning school bus safety and supplementing chapter 39
2 of Title 18A of the New Jersey Statutes.

3

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

6

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

20 b. The Governor shall appoint a School Bus Safety
21 Ombudsman, who shall be qualified by training and experience
22 'related to the school bus industry in order'¹ to perform the duties of
23 the office. The ombudsman shall be a person of recognized
24 judgment, integrity, and objectivity, and shall be skilled in
25 communication, conflict resolution, and professionalism.

26 c. The ombudsman shall organize and direct the work of the
27 office, including the work of such professional and clerical staff as
28 may be necessary to carry out the ombudsman's duties.

29

30 2. a. The duties of the School Bus Safety Ombudsman shall
31 include, but not be limited to, the following:

32 (1) review a school bus driver's information collected by the
33 Commissioner of Education pursuant to section 6 of P.L.1989,
34 c.104 (C.18A:39-19.1);

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

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

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

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:

¹Senate SBA committee amendments adopted December 16, 2021.

- 1 (5) the establishment of a publicly accessible database that
2 compiles the violations and subsequent fines of school bus drivers,
3 school bus contractors that employ the school bus drivers, and the
4 owners, operators, or any officers associated with the school bus
5 contractor. The ombudsman shall develop and implement an appeal
6 mechanism to resolve any dispute raised by a school bus driver,
7 school bus contractor, or owner, operator, or officer associated with
8 a school bus company concerning inclusion in the database;
 - 9 (6) maintain a list of all persons barred from bidding on any
10 pupil transportation contract pursuant to section 3 of
11 P.L. , c. (C.) (pending before the Legislature as Assembly
12 Bill No. 5818 or Senate Bill No. 3849 of 2021);
 - 13 (7) render a decision as to whether a person shall be debarred
14 from bidding on a pupil transportation contract pursuant to the
15 provisions of P.L. , c. (C.) (pending before the Legislature
16 as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021);
 - 17 (8) collect and review the name, address, and contact
18 information of school bus contractors and the owners of school bus
19 contracting companies;
 - 20 (9) determine if a board of education or contractor has failed to
21 comply with the provisions of N.J.S.18A:39-20;
 - 22 (10) review and recommend changes to the commissioner of the
23 rules and regulations governing school bus safety; and
 - 24 (11) any other duties the ombudsman deems appropriate to
25 ensure the safety of school buses for students in the State.
- 26 b. The ombudsman shall treat communications received in the
27 course of the ombudsman's duties, including personally identifiable
28 information regarding students, parents or guardians, school bus
29 drivers, and others from whom information is acquired, as
30 confidential, except when disclosure is necessary to enable the
31 ombudsman to perform the duties of the office and consent for
32 disclosure is obtained. Upon receipt of information that by law is
33 confidential or privileged, the ombudsman shall maintain the
34 confidentiality of such information and shall not disclose or
35 disseminate the information except as provided by applicable State
36 or federal law.
 - 37 c. As used in this section, "person" means an individual and
38 any business, including any corporation, partnership, association, or
39 proprietorship in which such individual is a principal, or with
40 respect to which the individual owns, directly or indirectly, or
41 controls any of the stock or other equity interest of such business.
42
- 43 3. The ombudsman shall submit an annual report to the
44 Governor, the Legislature pursuant to section 2 of P.L.1991, c.164
45 (C.52:14-19.1), and the New Jersey Motor Vehicle Commission
46 which includes a summary of the services provided, and
47 enforcement actions taken, by the ombudsman during the school

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1 year, and any specific recommendations the ombudsman deems
2 appropriate and necessary concerning the oversight and
3 management within the ombudsman's purview.

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5 4. This act shall take effect with the enactment into law of
6 P.L. , c. (C.) (pending before the Legislature as Assembly
7 Bill No. 5818 or Senate Bill No. 3849 of 2021).