[Second Reprint]

SENATE, No. 3851

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:
Senator JOSEPH A. LAGANA
District 38 (Bergen and Passaic)
Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)

Co-Sponsored by:
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: 6/1/2021)

AN ACT concerning school bus safety ²[and],² supplementing chapter 39 of Title 18A of the New Jersey Statutes ², and making an appropriation².

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

1. a. There is established in ²[but not of]² the Department of Education the Office of ²[the]² School Bus Safety ²[Ombudsman. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the School Bus Safety Ombudsman is hereby allocated within the Department of Education, but notwithstanding this allocation, the office shall be independent of any supervision or control by the department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof]². The purpose of the office is to oversee the school busing industry and to coordinate enforcement and accountability among the department, school bus drivers, ²and² school bus contractors ²[, and the New Jersey Motor Vehicle Commission]².

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

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

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

(1) ²[review] reviewing² a school bus driver's information collected by the Commissioner of Education pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1);

(2) ²[review all] obtaining statements of assurance from school districts or contractors that all² training certifications for school bus drivers from employers pursuant to subsection b. of section 2 of P.L.2015, c.123 (C.18A:39-19.3) ²are complete²;

(3) ²[assist] assisting² in the development of a student information card pursuant to section 3 of P.L.2015, c.123 (18A:39-19.4);

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.
²Senate floor amendments adopted December 20, 2021.

(4) ²[review] reviewing² statements provided by a board of education or contractor that verify a school bus driver, whose bus driver's license is suspended or revoked, no longer operates a school bus for the board or contractor pursuant to section 1 of P.L.2018, c.152 (C.18A:39-19.6);

(5) ²[the establishment of a publicly accessibly database that compiles the violations and subsequent fines of school bus drivers, school bus contractors that employ the school bus drivers, and the owners, operators, or any officers associated with the school bus contractor. The ombudsman shall develop and implement an appeal mechanism to resolve any dispute raised by a school bus driver, school bus contractor, or owner, operator, or officer associated with a school bus company concerning inclusion in the database] coordinating with the Motor Vehicle Commission and the Department of Law and Public Safety on the sharing of information regarding matters related to school bus safety. The Motor Vehicle Commission and the Department of Law and Public Safety shall, pursuant to a valid Memorandum of Understanding and to the extent permitted by law, share information with the office to assist in effectuating the provisions of this act²;

(6) maintain a list of all persons barred from bidding on any pupil transportation contract pursuant to section 3 of ²[P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021)] P.L.2021, c.307 (C.18A:39-11.5)²;

(7) render a decision as to whether a person shall be debarred from bidding on a pupil transportation contract pursuant to the provisions of ²[P.L. ,c. (C.) (pending before the Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021)] P.L.2021, c.307 (C.18A:39-11.5)²;

(8) ²[collect] collecting² and ²[review] reviewing² the name, address, and contact information of school bus contractors and the owners of school bus contracting companies;

(9) ²[determine] determining² if a board of education or contractor has failed to comply with the provisions of N.J.S.18A:39-20;

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

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

b. The ²[ombudsman] office² shall treat communications received in the course of the ²[ombudsman's] office's² duties, including personally identifiable information regarding students, parents or guardians, school bus drivers, and others from whom

information is acquired, as confidential, except when disclosure is necessary to enable the ²[ombudsman] office² to perform the duties of the office and consent for disclosure is obtained. Upon receipt of information that by law is confidential or privileged, the ²[ombudsman] Department of Education² shall maintain the confidentiality of such information and shall not disclose or disseminate the information except as provided by applicable State or federal law.

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

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

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

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