

# 18A:39-1.3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                   **CHAPTER:** 65  
**NJSA:** 18A:39-1.3      (Pupil transportation - subscription)  
**BILL NO:** S2097           (Substituted for A3213)

**SPONSOR(S):** Kyrillos and McNamara

**DATE INTRODUCED:** February 8, 2001

**COMMITTEE:**           **ASSEMBLY:**        ----  
                              **SENATE:**             ----

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**           **ASSEMBLY:** March 8, 2001  
                                      **SENATE:** February 15, 2001

**DATE OF APPROVAL:** April 19, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Original version of bill enacted)

#### S2097

**SPONSORS STATEMENT:** (Begins on page 4 of original bill)      Yes

**COMMITTEE STATEMENT:**                           **ASSEMBLY:**      No

**SENATE:**        No

**FLOOR AMENDMENT STATEMENTS:**                                      No

**LEGISLATIVE FISCAL ESTIMATE:**                                      No

#### A3213

**SPONSORS STATEMENT:** (Begins on page 4 of original bill)      Yes

Bill and Sponsors Statement identical to S2097

**COMMITTEE STATEMENT:** **ASSEMBLY:** No  
**SENATE:** No  
**FLOOR AMENDMENT STATEMENTS:** No  
**LEGISLATIVE FISCAL ESTIMATE:** Yes

**S1203**

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes  
**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes  
**FLOOR AMENDMENT STATEMENT:** Yes  
**LEGISLATIVE FISCAL ESTIMATE:** Yes

**A2501**

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes

Bill and sponsor's statement identical to S1203

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** No  
**FLOOR AMENDMENT STATEMENTS:** No  
**LEGISLATIVE FISCAL ESTIMATE:** Yes

Identical to fiscal estimate for S1203

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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No

**SENATE, No. 2097**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2001

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**  
**District 13 (Middlesex and Monmouth)**  
**Senator HENRY P. MCNAMARA**  
**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

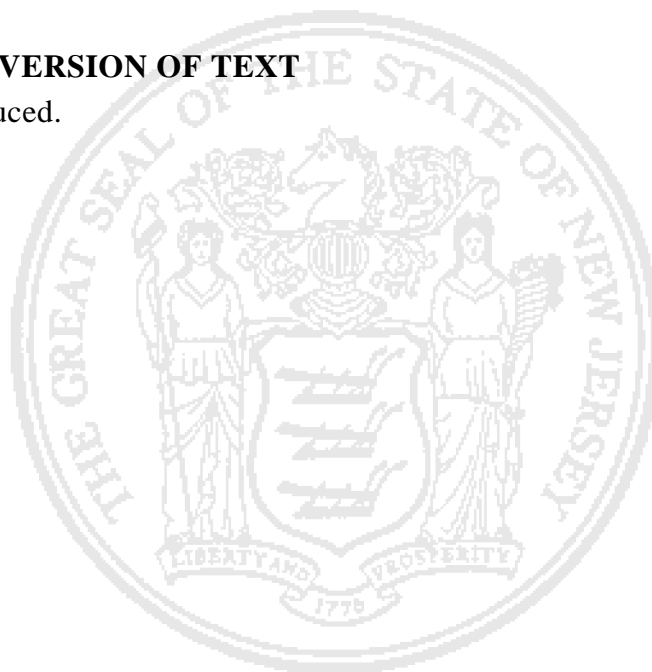
**Senators Bennett, Palaia, Inverso, Turner, Assemblymen Azzolina,**  
**Thompson, Assemblywoman Farragher, Assemblymen Blee and Felice**

**SYNOPSIS**

Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/9/2001)**

S2097 KYRILLOS, MCNAMARA

2

1 AN ACT concerning pupil transportation, amending P.L.1995, c.106  
2 and P.L.1997, c.53 and supplementing chapter 39 of 18A of the  
3 New Jersey Statutes.

4

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

7

8 1. Section 1 of P.L.1995, c.106 (C.18A:39-1.3) is amended to read  
9 as follows:

10 1. Any board of education which transports pupils to and from  
11 school pursuant to N.J.S.18A:39-1 or a cooperative transportation  
12 services agency may enter into a contract for the transportation of  
13 **[elementary] public** school pupils **[who live less than two miles from**  
14 **school and secondary school pupils who live less than two and a half**  
15 **miles from school]** who are not eligible for transportation services  
16 pursuant to N.J.S.18A:39-1 or any other law, and may require that if  
17 the parent, guardian or other person having legal custody of the child  
18 elects to have the pupil transported pursuant to the contract, then the  
19 parent, guardian or other person having legal custody of the child shall  
20 pay all or a part of the costs of that transportation, including, but not  
21 limited to, the cost of fuel, driver salaries and insurance. A board of  
22 education or a cooperative transportation services agency may also  
23 enter into a contract for the transportation of **[elementary school**  
24 **pupils who live less than two miles and secondary school]** pupils who  
25 **[live less than two and a half miles from any]** attend not for profit  
26 nonpublic **[school which satisfies the maximum distance requirements**  
27 **set forth in N.J.S.18A:39-1]** schools and who are not eligible for  
28 transportation services pursuant to N.J.S.18A:39-1 or any other law  
29 or who receive in-lieu-of transportation payments, and may require  
30 that if the parent, guardian or other person having legal custody of the  
31 child elects to have the pupil transported pursuant to the contract, then  
32 the parent, guardian or other person having legal custody of the child  
33 shall pay all or a part of the costs of that transportation, including, but  
34 not limited to, the cost of fuel, driver salaries and insurance.

35 The costs of the transportation shall be paid at the time and in the  
36 manner determined by the board of education or the cooperative  
37 transportation services agency, provided that the parent, guardian or  
38 other person having legal custody of the pupil attending the public or  
39 nonpublic school shall pay no more than the per pupil cost of the route  
40 for the transportation provided pursuant to this section.

41 Boards of education shall not receive State transportation aid  
42 pursuant to section 25 of P.L.1996, c.138 (C.18A:7F-25) for the

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 transportation of pupils pursuant to this section; however, the pupils  
2 shall be included in the calculation of the district's regular vehicle  
3 capacity utilization for purposes of the application of the incentive  
4 factor pursuant to that section.

5 A board of education shall notify the Department of Education  
6 when it elects to provide transportation for pupils under the provisions  
7 of this act.

8 (cf: P.L.1995, c.106, s.1)

9  
10 2. Section 1 of P.L.1997, c.53 (C.18A:39-11.1) is amended to read  
11 as follows:

12 1. a. The Commissioner of Education shall identify and publish a  
13 list of local school boards of education, educational services  
14 commissions, county special services school districts, and any other  
15 established agencies providing cooperative transportation services.

16 b. Any school district responsible for the transportation of pupils  
17 to and from a school, other than a local district school, pursuant to  
18 N.J.S.18A:39-1 which transports pupils to a county vocational school  
19 and pupils classified pursuant to chapter 46 of Title 18A of the New  
20 Jersey Statutes shall utilize one of the agencies identified by the  
21 commissioner for the transportation of the pupils. Transportation by  
22 one of the agencies shall not be required when the local district can  
23 provide transportation at a lower cost than those agencies, or the  
24 transportation to be provided by one of the agencies does not fall  
25 within the policies of the resident school district regarding length of  
26 ride and assignment of students to a route based on student age or  
27 classification .

28 c. (1) A board of education shall bid or coordinate nonpublic  
29 school transportation services with another school district or a  
30 cooperative transportation services agency in accordance with criteria  
31 established by the commissioner.

32 (2) Any school district which has in the prior year provided  
33 payments in lieu of transportation for any nonpublic school pupil  
34 pursuant to N.J.S.18A:39-1, or which cannot provide transportation  
35 in the ensuing school year in accordance with the commissioner's  
36 criteria, shall attempt to provide transportation through an agency  
37 identified by the commissioner prior to determining to pay aid in lieu  
38 of transportation. The school district shall provide to the agency any  
39 unique limitations or restrictions of the required transportation. If the  
40 costs to provide transportation by the agency identified by the  
41 commissioner are less than the in-lieu-of payments, the agency shall  
42 provide transportation. The school district shall make the  
43 determination on the manner in which transportation services shall be  
44 provided and shall notify the nonpublic school and the parent or  
45 guardian of the nonpublic school pupil by August 1 prior to the  
46 beginning of the school year. For the purposes of this subsection,

1 "costs to provide transportation" shall not include any administrative  
2 fee charged by the agency. If the sum of the costs to provide  
3 transportation plus any administrative fee charged by the agency  
4 exceeds on a per pupil basis the maximum amount for nonpublic  
5 school transportation established pursuant to section 2 of P.L.1981,  
6 c.57 (C.18A:39-1a), the board of education may apply to the  
7 commissioner for that portion which exceeds the maximum amount.

8 d. The county superintendents shall:

9 (1) assist local boards of education and the chief school  
10 administrators of nonpublic schools in coordinating the calendars and  
11 schedules of the public and nonpublic schools to facilitate the  
12 coordination of transportation of pupils to and from school in their  
13 respective county;

14 (2) arbitrate any disputes between local boards of education and  
15 the chief school administrators of nonpublic schools regarding pupil  
16 transportation; and

17 (3) convene a meeting, at least once a year, of representatives of  
18 all public and nonpublic schools in the county to discuss issues related  
19 to pupil transportation.

20 (cf: P.L.1997, c.53, s.1)

21  
22 3. (New section) A board of education shall consult with the  
23 appropriate nonpublic school administrators seeking such consultation  
24 prior to preparing bus routes for the transportation of nonpublic  
25 school pupils for the school year and in a timely manner that allows  
26 sufficient time to publicly advertise for bids.

27  
28 4. (New section) The State Board of Education shall adopt,  
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
30 (C.52:14B-1 et seq.), rules and regulations necessary to implement the  
31 provisions of this act.

32  
33 5. This act shall take effect immediately and shall first apply to the  
34 2001-2002 school year.

35  
36  
37 STATEMENT

38  
39 This bill makes various changes to the laws governing pupil  
40 transportation in order to make the system more efficient. The bill  
41 expands the role of the county superintendents in the area of pupil  
42 transportation by requiring them to arbitrate disputes between boards  
43 of education and the chief school administrators of nonpublic schools  
44 and convene meetings, at least once a year, of representatives of all  
45 public and nonpublic schools in the county to discuss issues related to  
46 pupil transportation.

1 The bill also permits school districts and cooperative transportation  
2 services agencies to enter into contracts to provide subscription busing  
3 to all public and nonpublic school students who are not otherwise  
4 eligible for transportation services or, in the case of nonpublic school  
5 students, are receiving in-lieu-of transportation payments. Under  
6 current law, a school district may enter into such contracts for  
7 students who are not eligible due to the fact that they do not live  
8 remote from school. Under this bill, the district or agency could  
9 choose to serve any student who is ineligible, regardless of the reason  
10 for ineligibility.

11 As is also the case under existing law, the bill would require the  
12 parent, guardian or other person having legal custody of the child  
13 being transported to pay all or a part of the costs of the transportation,  
14 including, but not limited to, the cost of fuel, driver salaries and  
15 insurance. The bill stipulates, however, that the parent, guardian or  
16 other person having legal custody of a pupil attending a public or  
17 nonpublic school would pay no more than the per pupil cost of the  
18 route for the transportation. Under existing law, a child who  
19 participates in this type of busing could not be excluded from the  
20 program due to financial hardship and this provision remains in effect  
21 under this bill.

22 A school district would not receive State transportation aid for  
23 school pupils transported under the provisions of the bill; however, the  
24 pupils would be included in the calculation of the district's regular  
25 vehicle capacity utilization under the transportation aid formula for  
26 purpose of calculating the efficiency of the district's transportation  
27 services.

28 The bill requires boards of education to consult with the  
29 appropriate nonpublic school administrator prior to preparing bus  
30 routes for nonpublic school pupils and in sufficient time to publicly  
31 advertise for bids if the administrator requests such consultation.

32 Pursuant to the bill, a board of education must bid or coordinate  
33 nonpublic school transportation services with another school district  
34 or a cooperative transportation services agency in accordance with  
35 criteria established by the Commissioner of Education. The bill also  
36 provides that if the per pupil cost for the provision of nonpublic school  
37 transportation services to be paid by a school district to a cooperative  
38 transportation services agency, including any administrative cost,  
39 exceeds the nonpublic aid in-lieu-of payment amount, the district may  
40 apply to the commissioner for that portion of the cost which exceeds  
41 the aid in-lieu-of amount.



# ASSEMBLY, No. 3213

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 29, 2001

**Sponsored by:**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Farragher, Assemblymen Blee and Felice**

**SYNOPSIS**

Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

**CURRENT VERSION OF TEXT**

As introduced.



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13 **[elementary] public** school pupils **[who live less than two miles from**  
14 **school and secondary school pupils who live less than two and a half**  
15 **miles from school] who are not eligible for transportation services**  
16 **pursuant to N.J.S.18A:39-1 or any other law**, and may require that if  
17 the parent, guardian or other person having legal custody of the child  
18 elects to have the pupil transported pursuant to the contract, then the  
19 parent, guardian or other person having legal custody of the child shall  
20 pay all or a part of the costs of that transportation, including, but not  
21 limited to, the cost of fuel, driver salaries and insurance. A board of  
22 education or a cooperative transportation services agency may also  
23 enter into a contract for the transportation of **[elementary school**  
24 **pupils who live less than two miles and secondary school] pupils who**  
25 **[live less than two and a half miles from any] attend** not for profit  
26 nonpublic **[school which satisfies the maximum distance requirements**  
27 **set forth in N.J.S.18A:39-1] schools and who are not eligible for**  
28 **transportation services pursuant to N.J.S.18A:39-1 or any other law**  
29 **or who receive in-lieu-of transportation payments**, and may require  
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31 child elects to have the pupil transported pursuant to the contract, then  
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34 not limited to, the cost of fuel, driver salaries and insurance.

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36 manner determined by the board of education or the cooperative  
37 transportation services agency, provided that the parent, guardian or  
38 other person having legal custody of the pupil attending the public or  
39 nonpublic school shall pay no more than the per pupil cost of the route  
40 for the transportation provided pursuant to this section.

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39 identified by the commissioner prior to determining to pay aid in lieu  
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41 unique limitations or restrictions of the required transportation. If the  
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43 commissioner are less than the in-lieu-of payments, the agency shall  
44 provide transportation. The school district shall make the  
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13 schedules of the public and nonpublic schools to facilitate the  
14 coordination of transportation of pupils to and from school in their  
15 respective county:

16 (2) arbitrate any disputes between local boards of education and  
17 the chief school administrators of nonpublic schools regarding pupil  
18 transportation; and

19 (3) convene a meeting, at least once a year, of representatives of  
20 all public and nonpublic schools in the county to discuss issues related  
21 to pupil transportation.

22 (cf: P.L.1997, c.53, s.1)

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24 3. (New section) A board of education shall consult with the  
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35 5. This act shall take effect immediately and shall first apply to the  
36 2001-2002 school year.

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39 STATEMENT

40  
41 This bill makes various changes to the laws governing pupil  
42 transportation in order to make the system more efficient. The bill  
43 expands the role of the county superintendents in the area of pupil  
44 transportation by requiring them to arbitrate disputes between boards  
45 of education and the chief school administrators of nonpublic schools  
46 and convene meetings, at least once a year, of representatives of all

1 public and nonpublic schools in the county to discuss issues related to  
2 pupil transportation.

3 The bill also permits school districts and cooperative transportation  
4 services agencies to enter into contracts to provide subscription busing  
5 to all public and nonpublic school students who are not otherwise  
6 eligible for transportation services or, in the case of nonpublic school  
7 students, are receiving in-lieu-of transportation payments. Under  
8 current law, a school district may enter into such contracts for  
9 students who are not eligible due to the fact that they do not live  
10 remote from school. Under this bill, the district or agency could  
11 choose to serve any student who is ineligible, regardless of the reason  
12 for ineligibility.

13 As is also the case under existing law, the bill would require the  
14 parent, guardian or other person having legal custody of the child  
15 being transported to pay all or a part of the costs of the transportation,  
16 including, but not limited to, the cost of fuel, driver salaries and  
17 insurance. The bill stipulates, however, that the parent, guardian or  
18 other person having legal custody of a pupil attending a public or  
19 nonpublic school would pay no more than the per pupil cost of the  
20 route for the transportation. Under existing law, a child who  
21 participates in this type of busing could not be excluded from the  
22 program due to financial hardship and this provision remains in effect  
23 under this bill.

24 A school district would not receive State transportation aid for  
25 school pupils transported under the provisions of the bill; however, the  
26 pupils would be included in the calculation of the district's regular  
27 vehicle capacity utilization under the transportation aid formula for  
28 purpose of calculating the efficiency of the district's transportation  
29 services.

30 The bill requires boards of education to consult with the  
31 appropriate nonpublic school administrator prior to preparing bus  
32 routes for nonpublic school pupils and in sufficient time to publicly  
33 advertise for bids if the administrator requests such consultation.

34 Pursuant to the bill, a board of education must bid or coordinate  
35 nonpublic school transportation services with another school district  
36 or a cooperative transportation services agency in accordance with  
37 criteria established by the Commissioner of Education. The bill also  
38 provides that if the per pupil cost for the provision of nonpublic school  
39 transportation services to be paid by a school district to a cooperative  
40 transportation services agency, including any administrative cost,  
41 exceeds the nonpublic aid in-lieu-of payment amount, the district may  
42 apply to the commissioner for that portion of the cost which exceeds  
43 the aid in-lieu-of amount.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3213**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: MARCH 21, 2001

**SUMMARY**

**Synopsis:** Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

**Type of Impact:** Expenditure increase for the State/Property Tax Relief Fund.

**Agencies Affected:** Department of Education/local boards of education.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	Potential additional cost (see discussion)	Potential additional cost (see discussion)	Potential additional cost (see discussion)
<b>Local Cost</b>	No additional cost	No additional cost	No additional cost

- ! This bill permits school districts and cooperative transportation services agencies to enter into contracts to provide subscription busing to all public and nonpublic school students who are not otherwise eligible for transportation services or, in the case of nonpublic school students, are receiving in-lieu-of transportation payments. The district is authorized to charge the student's parent or guardian for the costs associated with the transportation.
- ! The bill also amends an existing provision of law that requires school districts which are making in-lieu-of payments to nonpublic school students to use a cooperative transportation services agency if the costs of the agency to provide the transportation are less than the in-lieu-of payments. Under the bill, the costs to provide the transportation would not include any administrative fee charged by the agency. If any administrative fee charged by an agency increases the total per pupil cost of the transportation beyond the aid-in-lieu-of payment amount established for nonpublic school students, the board of education may apply to the commissioner for the portion which exceeds that amount. The cost to the State under the bill would be any reimbursement approved by the commissioner.

## **BILL DESCRIPTION**

Assembly Bill No. 3213 of 2000 makes various changes to the laws governing pupil transportation in order to make the system more efficient. The bill expands the role of the county superintendents in the area of pupil transportation by requiring them to arbitrate disputes between boards of education and the chief school administrators of nonpublic schools and convene meetings, at least once a year, of representatives of all public and nonpublic schools in the county to discuss issues related to pupil transportation.

The bill also permits school districts and cooperative transportation services agencies to enter into contracts to provide subscription busing to all public and nonpublic school students who are not otherwise eligible for transportation services or, in the case of nonpublic school students, are receiving in-lieu-of transportation payments. Under current law, a school district may enter into such contracts for students who are not eligible due to the fact that they do not live remote from school. Under this bill the district or agency could choose to serve any student who is ineligible, regardless of the reason for ineligibility.

As is also the case under existing law, the bill permits the school district to charge the parent, guardian or other person having legal custody of the child being transported for all or a part of the costs of the transportation, including, but not limited to, the cost of fuel, driver salaries and insurance. The bill stipulates, however, that the parent, guardian or other person having legal custody of a pupil attending a public or nonpublic school would pay no more than the per pupil cost of the route for the transportation. Under existing law, a child who participates in this type of busing could not be excluded from the program due to financial hardship and this provision remains in effect under this bill.

A school district would not receive State transportation aid for school pupils transported under the provisions of the bill; however, the pupils would be included in the calculation of the district's regular vehicle capacity utilization under the transportation aid formula for purposes of calculating the efficiency of the district's transportation services.

The bill also amends an existing provision of law that requires school districts which are making in-lieu-of payments to nonpublic school students to use a cooperative transportation services agency if the costs of the agency to provide the transportation are less than the in-lieu-of payments. The bill amends that section of law to stipulate that the costs to provide the transportation would not include any administrative fee charged by the agency. If any administrative fee charged by an agency would increase the per pupil cost to an amount in excess of the aid-in-lieu of payment amount, then the board of education may apply to the Commissioner of Education for the portion which exceeds that amount.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

There is no additional local cost associated with the provisions of this bill and there is no additional State cost associated with the provision of the bill which permits school districts and cooperative transportation services agencies to enter into contracts to provide subscription busing to all public and nonpublic school students who are not otherwise eligible for transportation, or in the case of nonpublic school students, are receiving in-lieu-of transportation services. As is the case under current law for subscription busing services, the district is not required to provide subscription busing and if it chooses to do so it may charge the student's parent or guardian for those services.

The only potential State cost associated with the bill is the amendment made to the existing provision of law that requires school districts which are making in-lieu-of payments to nonpublic school students to use a cooperative transportation services agency if the costs of the agency to provide the transportation are less than the in-lieu-of payments. In the current school year, the aid-in-lieu-of payment amount is \$710; therefore a school district is only required to use the cooperative transportation services agency if the cost of the agency to provide the transportation does not exceed \$710. Under the provisions of the bill, the costs to provide the transportation would not include any administrative fee charged by the agency; therefore the cost to a district may increase by any administrative fee amount which the agency charges for transportation services if that fee is not currently accommodated within the \$710. However, also under the bill's provisions, if the administrative fee charged by an agency would increase the total per pupil cost of the transportation beyond the aid-in-lieu-of payment amount established for nonpublic school students (currently \$710), then the board of education could apply to the commissioner for the portion which exceeds that amount. The cost to the State under the bill would be any reimbursement approved by the commissioner.

It is not possible to provide an accurate estimate of what the additional costs to the State may be under the bill due to the fact that the administrative fees that might be charged in the future by individual cooperative transportation services agencies are not know. According to information received from the Department of Education, the department's October 1999 data indicates that 14,542 nonpublic school students were being transported by cooperative transportation services agencies pursuant to this section of law, with the agencies charging administrative fees of between 2 percent and 10 percent. In some cases the administrative fee was accommodated within the aid-in-lieu-of payment amount, while in other cases the administrative fee was in addition to that amount. If each agency charged an administrative fee of 6 percent, the administrative fee cost for the above students would be \$619,489.20, or \$42.60 per student. Again, it is not possible to estimate increased costs to the State due to the fact that, according to the department, most districts are currently paying some level of an administrative fee, with the fee in some instances being accommodated within the aid-in-lieu-of amount and in others with the district currently paying in excess of that amount. Also, although this estimate uses a 6 percent administrative fee, the bill in its present form does not specify or limit the fee amount.



***OFFICE OF LEGISLATIVE SERVICES***

Section: *Education*

Analyst: *Kathleen Fazzari*  
*Section Chief*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

P.L. 2001, CHAPTER 65, *approved April 19, 2001*  
Senate, No. 2097

1 AN ACT concerning pupil transportation, amending P.L.1995, c.106  
2 and P.L.1997, c.53 and supplementing chapter 39 of 18A of the  
3 New Jersey Statutes.

4

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

7

8 1. Section 1 of P.L.1995, c.106 (C.18A:39-1.3) is amended to read  
9 as follows:

10 1. Any board of education which transports pupils to and from  
11 school pursuant to N.J.S.18A:39-1 or a cooperative transportation  
12 services agency may enter into a contract for the transportation of  
13 **[elementary] public** school pupils **[who live less than two miles from**  
14 **school and secondary school pupils who live less than two and a half**  
15 **miles from school] who are not eligible for transportation services**  
16 **pursuant to N.J.S.18A:39-1 or any other law**, and may require that if  
17 the parent, guardian or other person having legal custody of the child  
18 elects to have the pupil transported pursuant to the contract, then the  
19 parent, guardian or other person having legal custody of the child shall  
20 pay all or a part of the costs of that transportation, including, but not  
21 limited to, the cost of fuel, driver salaries and insurance. A board of  
22 education or a cooperative transportation services agency may also  
23 enter into a contract for the transportation of **[elementary school**  
24 **pupils who live less than two miles and secondary school]** pupils who  
25 **[live less than two and a half miles from any] attend** not for profit  
26 nonpublic **[school which satisfies the maximum distance requirements**  
27 **set forth in N.J.S.18A:39-1] schools and who are not eligible for**  
28 **transportation services pursuant to N.J.S.18A:39-1 or any other law**  
29 **or who receive in-lieu-of transportation payments**, and may require  
30 that if the parent, guardian or other person having legal custody of the  
31 child elects to have the pupil transported pursuant to the contract, then  
32 the parent, guardian or other person having legal custody of the child  
33 shall pay all or a part of the costs of that transportation, including, but  
34 not limited to, the cost of fuel, driver salaries and insurance.

35 The costs of the transportation shall be paid at the time and in the  
36 manner determined by the board of education or the cooperative  
37 transportation services agency, provided that the parent, guardian or  
38 other person having legal custody of the pupil attending the public or

**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 nonpublic school shall pay no more than the per pupil cost of the route  
2 for the transportation provided pursuant to this section.

3 Boards of education shall not receive State transportation aid  
4 pursuant to section 25 of P.L.1996, c.138 (C.18A:7F-25) for the  
5 transportation of pupils pursuant to this section; however, the pupils  
6 shall be included in the calculation of the district's regular vehicle  
7 capacity utilization for purposes of the application of the incentive  
8 factor pursuant to that section.

9 A board of education shall notify the Department of Education  
10 when it elects to provide transportation for pupils under the provisions  
11 of this act.

12 (cf: P.L.1995, c.106, s.1)

13

14 2. Section 1 of P.L.1997, c.53 (C.18A:39-11.1) is amended to read  
15 as follows:

16 1. a. The Commissioner of Education shall identify and publish a  
17 list of local school boards of education, educational services  
18 commissions, county special services school districts, and any other  
19 established agencies providing cooperative transportation services.

20 b. Any school district responsible for the transportation of pupils  
21 to and from a school, other than a local district school, pursuant to  
22 N.J.S.18A:39-1 which transports pupils to a county vocational school  
23 and pupils classified pursuant to chapter 46 of Title 18A of the New  
24 Jersey Statutes shall utilize one of the agencies identified by the  
25 commissioner for the transportation of the pupils. Transportation by  
26 one of the agencies shall not be required when the local district can  
27 provide transportation at a lower cost than those agencies, or the  
28 transportation to be provided by one of the agencies does not fall  
29 within the policies of the resident school district regarding length of  
30 ride and assignment of students to a route based on student age or  
31 classification .

32 c. (1) A board of education shall bid or coordinate nonpublic  
33 school transportation services with another school district or a  
34 cooperative transportation services agency in accordance with criteria  
35 established by the commissioner.

36 (2) Any school district which has in the prior year provided  
37 payments in lieu of transportation for any nonpublic school pupil  
38 pursuant to N.J.S.18A:39-1, or which cannot provide transportation  
39 in the ensuing school year in accordance with the commissioner's  
40 criteria, shall attempt to provide transportation through an agency  
41 identified by the commissioner prior to determining to pay aid in lieu  
42 of transportation. The school district shall provide to the agency any  
43 unique limitations or restrictions of the required transportation. If the  
44 costs to provide transportation by the agency identified by the  
45 commissioner are less than the in-lieu-of payments, the agency shall  
46 provide transportation. The school district shall make the

1 determination on the manner in which transportation services shall be  
2 provided and shall notify the nonpublic school and the parent or  
3 guardian of the nonpublic school pupil by August 1 prior to the  
4 beginning of the school year. For the purposes of this subsection,  
5 "costs to provide transportation" shall not include any administrative  
6 fee charged by the agency. If the sum of the costs to provide  
7 transportation plus any administrative fee charged by the agency  
8 exceeds on a per pupil basis the maximum amount for nonpublic  
9 school transportation established pursuant to section 2 of P.L.1981,  
10 c.57 (C.18A:39-1a), the board of education may apply to the  
11 commissioner for that portion which exceeds the maximum amount.

12 d. The county superintendents shall:

13 (1) assist local boards of education and the chief school  
14 administrators of nonpublic schools in coordinating the calendars and  
15 schedules of the public and nonpublic schools to facilitate the  
16 coordination of transportation of pupils to and from school in their  
17 respective county;

18 (2) arbitrate any disputes between local boards of education and  
19 the chief school administrators of nonpublic schools regarding pupil  
20 transportation; and

21 (3) convene a meeting, at least once a year, of representatives of  
22 all public and nonpublic schools in the county to discuss issues related  
23 to pupil transportation.

24 (cf: P.L.1997, c.53, s.1)

25

26 3. (New section) A board of education shall consult with the  
27 appropriate nonpublic school administrators seeking such consultation  
28 prior to preparing bus routes for the transportation of nonpublic  
29 school pupils for the school year and in a timely manner that allows  
30 sufficient time to publicly advertise for bids.

31

32 4. (New section) The State Board of Education shall adopt,  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), rules and regulations necessary to implement the  
35 provisions of this act.

36

37 5. This act shall take effect immediately and shall first apply to the  
38 2001-2002 school year.

39

40

41

#### STATEMENT

42

43 This bill makes various changes to the laws governing pupil  
44 transportation in order to make the system more efficient. The bill  
45 expands the role of the county superintendents in the area of pupil  
46 transportation by requiring them to arbitrate disputes between boards

1 of education and the chief school administrators of nonpublic schools  
2 and convene meetings, at least once a year, of representatives of all  
3 public and nonpublic schools in the county to discuss issues related to  
4 pupil transportation.

5 The bill also permits school districts and cooperative transportation  
6 services agencies to enter into contracts to provide subscription busing  
7 to all public and nonpublic school students who are not otherwise  
8 eligible for transportation services or, in the case of nonpublic school  
9 students, are receiving in-lieu-of transportation payments. Under  
10 current law, a school district may enter into such contracts for  
11 students who are not eligible due to the fact that they do not live  
12 remote from school. Under this bill, the district or agency could  
13 choose to serve any student who is ineligible, regardless of the reason  
14 for ineligibility.

15 As is also the case under existing law, the bill would require the  
16 parent, guardian or other person having legal custody of the child  
17 being transported to pay all or a part of the costs of the transportation,  
18 including, but not limited to, the cost of fuel, driver salaries and  
19 insurance. The bill stipulates, however, that the parent, guardian or  
20 other person having legal custody of a pupil attending a public or  
21 nonpublic school would pay no more than the per pupil cost of the  
22 route for the transportation. Under existing law, a child who  
23 participates in this type of busing could not be excluded from the  
24 program due to financial hardship and this provision remains in effect  
25 under this bill.

26 A school district would not receive State transportation aid for  
27 school pupils transported under the provisions of the bill; however, the  
28 pupils would be included in the calculation of the district's regular  
29 vehicle capacity utilization under the transportation aid formula for  
30 purpose of calculating the efficiency of the district's transportation  
31 services.

32 The bill requires boards of education to consult with the  
33 appropriate nonpublic school administrator prior to preparing bus  
34 routes for nonpublic school pupils and in sufficient time to publicly  
35 advertise for bids if the administrator requests such consultation.

36 Pursuant to the bill, a board of education must bid or coordinate  
37 nonpublic school transportation services with another school district  
38 or a cooperative transportation services agency in accordance with  
39 criteria established by the Commissioner of Education. The bill also  
40 provides that if the per pupil cost for the provision of nonpublic school  
41 transportation services to be paid by a school district to a cooperative  
42 transportation services agency, including any administrative cost,  
43 exceeds the nonpublic aid in-lieu-of payment amount, the district may  
44 apply to the commissioner for that portion of the cost which exceeds  
45 the aid in-lieu-of amount.

1



2

3 Expands the role of the county superintendent in pupil transportation  
4 matters and permits school districts to offer subscription busing to  
5 additional students.

## CHAPTER 65

AN ACT concerning pupil transportation, amending P.L.1995, c.106 and P.L.1997, c.53 and supplementing chapter 39 of 18A of the New Jersey Statutes.

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

1. Section 1 of P.L.1995, c.106 (C.18A:39-1.3) is amended to read as follows:

C.18A:39-1.3 Contract for transportation of certain pupils; costs.

1. Any board of education which transports pupils to and from school pursuant to N.J.S.18A:39-1 or a cooperative transportation services agency may enter into a contract for the transportation of public school pupils who are not eligible for transportation services pursuant to N.J.S.18A:39-1 or any other law, and may require that if the parent, guardian or other person having legal custody of the child elects to have the pupil transported pursuant to the contract, then the parent, guardian or other person having legal custody of the child shall pay all or a part of the costs of that transportation, including, but not limited to, the cost of fuel, driver salaries and insurance. A board of education or a cooperative transportation services agency may also enter into a contract for the transportation of pupils who attend not for profit nonpublic schools and who are not eligible for transportation services pursuant to N.J.S.18A:39-1 or any other law or who receive in-lieu-of transportation payments, and may require that if the parent, guardian or other person having legal custody of the child elects to have the pupil transported pursuant to the contract, then the parent, guardian or other person having legal custody of the child shall pay all or a part of the costs of that transportation, including, but not limited to, the cost of fuel, driver salaries and insurance.

The costs of the transportation shall be paid at the time and in the manner determined by the board of education or the cooperative transportation services agency, provided that the parent, guardian or other person having legal custody of the pupil attending the public or nonpublic school shall pay no more than the per pupil cost of the route for the transportation provided pursuant to this section.

Boards of education shall not receive State transportation aid pursuant to section 25 of P.L.1996, c.138 (C.18A:7F-25) for the transportation of pupils pursuant to this section; however, the pupils shall be included in the calculation of the district's regular vehicle capacity utilization for purposes of the application of the incentive factor pursuant to that section.

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

2. Section 1 of P.L.1997, c.53 (C.18A:39-11.1) is amended to read as follows:

C.18A:39-11.1 List of agencies providing cooperative transportation services; provision of transportation for certain pupils.

1. a. The Commissioner of Education shall identify and publish a list of local school boards of education, educational services commissions, county special services school districts, and any other established agencies providing cooperative transportation services.

b. Any school district responsible for the transportation of pupils to and from a school, other than a local district school, pursuant to N.J.S.18A:39-1 which transports pupils to a county vocational school and pupils classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes shall utilize one of the agencies identified by the commissioner for the transportation of the pupils. Transportation by one of the agencies shall not be required when the local district can provide transportation at a lower cost than those agencies, or the transportation to be provided by one of the agencies does not fall within the policies of the resident school district regarding length of ride and assignment of students to a route based on student age or classification.

c. (1) A board of education shall bid or coordinate nonpublic school transportation services with another school district or a cooperative transportation services agency in accordance with criteria established by the commissioner.

(2) Any school district which has in the prior year provided payments in lieu of transportation for any nonpublic school pupil pursuant to N.J.S.18A:39-1, or which cannot provide transportation in the ensuing school year in accordance with the commissioner's criteria, shall

attempt to provide transportation through an agency identified by the commissioner prior to determining to pay aid in lieu of transportation. The school district shall provide to the agency any unique limitations or restrictions of the required transportation. If the costs to provide transportation by the agency identified by the commissioner are less than the in-lieu-of payments, the agency shall provide transportation. The school district shall make the determination on the manner in which transportation services shall be provided and shall notify the nonpublic school and the parent or guardian of the nonpublic school pupil by August 1 prior to the beginning of the school year. For the purposes of this subsection, "costs to provide transportation" shall not include any administrative fee charged by the agency. If the sum of the costs to provide transportation plus any administrative fee charged by the agency exceeds on a per pupil basis the maximum amount for nonpublic school transportation established pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), the board of education may apply to the commissioner for that portion which exceeds the maximum amount.

d. The county superintendents shall:

(1) assist local boards of education and the chief school administrators of nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of transportation of pupils to and from school in their respective county:

(2) arbitrate any disputes between local boards of education and the chief school administrators of nonpublic schools regarding pupil transportation; and

(3) convene a meeting, at least once a year, of representatives of all public and nonpublic schools in the county to discuss issues related to pupil transportation.

C.18A:39-3.1 Consultation for transportation of nonpublic school pupils.

3. A board of education shall consult with the appropriate nonpublic school administrators seeking such consultation prior to preparing bus routes for the transportation of nonpublic school pupils for the school year and in a timely manner that allows sufficient time to publicly advertise for bids.

C.18A:39-3.2 Rules, regulations.

4. The State Board of Education shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

5. This act shall take effect immediately and shall first apply to the 2001-2002 school year.

Approved April 19, 2001.



*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
609-777-2600

RELEASE: April 19 , 2001

**DiFrancesco Signs Law Creating Hunger Prevention Program**

**\*\*\*Signs 7 other bills\*\*\***

Acting Gov. Donald T. DiFrancesco today signed legislation that creates a New Jersey Hunger Prevention and Assistance Program and allocates \$5 million for grants to food banks and other similar agencies.

**S-1591**, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and Palaia (R-Monmouth) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), allocates up to \$5 million in unexpended Temporary Assistance to Needy Family funds for grants to food banks and similar agencies.

The bill also establishes a New Jersey Hunger Prevention and Assistance Program in the Department of Human Services to improve the health and nutritional status of state residents in need of food assistance, supplement the efforts of emergency food programs in the state to reduce hunger, and enable families and individuals to become food secure and self-sufficient.

The Commissioner of Human Services is required by the bill to contract with Rutgers, the State University to conduct a six-pronged statewide needs assessment. The bill also establishes a 13 - member Hunger Prevention Advisory Committee within DHS to assist the commissioner in the implementation of the program.

The acting Governor also signed the following bills:

**S-84**, sponsored by Senator Zane (R-Salem/Cumberland/Gloucester) and Assembly members Felice (R-Bergen/Passaic) and Imprieveduto (D-Bergen/Hudson), clarifies the sexual assault statute in certain circumstances.

**S-1372**, sponsored by Senators Bennett (R-Monmouth) and Allen (R-Burlington/Camden) and Assemblymembers DiGaetano (R-Bergen/Essex/Passaic) and Moran (R-Atlantic/Burlington/Ocean), revises the procedure for self-administration by school pupils of medication for asthma.

**S-2097**, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and McNamara (R-Bergen/Passaic) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

**A-2549**, sponsored by Assemblymembers Kelly (R-Bergen/Essex/Passaic) and Cohen (D-Union) and Senator Ciesla (R-Monmouth/Ocean), permits real estate brokers, broker-salespersons and salespersons to engage in certain promotions offering free or discounted products and services.

**A-2318**, sponsored by Assemblymembers Charles (D-Hudson) and Lance (R-Warren/Hunterdon/Mercer) and Senators Kenny (D-Hudson) and Kyrillos (R-Middlesex/Monmouth), appropriates \$350,000 to the Division of Youth and Family Services for a grant to Hudson Cradle, a nationally recognized multi-purpose family resource and transitional residence in Jersey City that serves approximately 50 "boarder babies" annually.

**A-2458**, sponsored by Assemblymembers Felice (R-Bergen/Passaic) and Doria (D-Hudson) and Assemblymember Conaway (D-Burlington/Camden), provides that prompt payment and claims payment enforcement laws apply to organized delivery systems. Organized delivery systems are entities that contract with health insurance carriers to provide either comprehensive health care services or benefits or limited health care services to covered persons under the carrier's health benefits plan or policy.