

STUDENT TRANSPORTATION Q & A

September, 2009

Q: *Who must be transported?*

A: Pursuant to N.J.S.A. 18A:39-1, all public elementary school students (grades K-8) who live more than 2 miles from their school and all public secondary school students (grades 9-12) who live more than 2.5 miles from their school are entitled to transportation. Whenever any school district is required to provide transportation to students attending regular public school programs, students attending nonpublic schools who meet those distance requirements may also be entitled to transportation services. Also, any classified student who either meets these distance requirements or for whom transportation is required in the student's IEP must be transported.

Q: *Are districts required to provide transportation to students who live less than remote from school?*

A: No. Boards of education are not required by law to provide busing for students who live less than remote from school even for safety reasons. However, boards are permitted, at their own discretion and expense, to provide transportation to such students and may charge the student's parents or legal guardians for this service. Municipalities may also contract with boards of education for this service and charge the parents (subscription busing).

Q: *How is the distance between a student's home and school measured?*

A: Measurement is made by the shortest distance along public roadways or walkways between the entrance to the student's home closest to the roadway or walkway to the nearest public entrance of the school building. This measurement is for eligibility purposes only and is not necessarily the travel path to or from school.

Q: *Can a district over subscribe its busses?*

A: Districts are encouraged not over subscribe. If they do so, the district is required to have a contingency plan if an overload condition occurs. As such, there is no legal allowable level for a school district to "over-subscribe" its busses.

Q: *Can a board contract for the transportation of public school pupils who are not eligible for transportation?*

A: Yes. Pursuant to N.J.S.A. 18A:39-1.3, a board may enter into such a contract and may require the parent, guardian, or other person having legal custody to pay all or part of the costs of that transportation, including, but not limited to, the cost of fuel, driver salaries and insurance. This type of contract may also be entered into for the transportation of pupils who attend not for profit nonpublic schools. Notice to the Department of Education is required if the board elects to enter into such contracts.

Q: *What is our district's current level of efficiency and how does it compare with the State average?*

A: The state annually determines the transportation efficiency ratings for school district. As of March 2009, the district's efficiency rating is 1.825. The State's standard is

1.20. The March rating places Paramus in the top 5 districts in Bergen County. The state transportation efficiency calculation can be found at the following link:

www.nj.gov/education/finance/transportation/efficiency/calc.shtml.

The rider ship calculation does not include nonpublic and charter school students whose parents receive aid in lieu of transportation.

Q: *What are the current parameters of the district's courtesy bussing program?*

A: The current parameters per Board Policy are as follows:

Elementary - 0.75 (3/4) mile
Middle - 1.25 (1 ¼) miles
High School - 1.50 (1 ½) miles

Distances are determined 'door-to-door' using the most direct route. The minimum distances may be increased or decreased by 0.1 mile.

Industry standard caveats for safety:

Buses do not go down cul-de-sacs or dead ends.

NOTE: *Hackensack BOE* provides no courtesy bussing; follow state limits
Fair Lawn BOE provides no courtesy bussing; follow state limits
Mahwah BOE transports all elementary students due to lack of sidewalks and provides hazardous routing. All other routes follow state limits.
Wayne BOE provides hazardous bussing only. All other routes follow state limits.
Ridgewood BOE provides hazardous bussing only. All other routes follow state limits.
Clifton BOE provides hazardous bussing for two schools only. All other routes follow state limits.

Q: *Does a courtesy bus program have to follow State guidelines?*

A: Yes. If a board of education provides courtesy busing, it must do so in accordance with law and rules and regulations of the State Board notwithstanding the fact that it will not receive State transportation aid for this service.

Q: *What is the difference between courtesy bussing and hazardous route bussing?*

A: Courtesy bussing (routes provided for distances less than the state mandated limits of 2 and 2 ½ miles) may be provided for a variety of reasons, one of which is the existence of hazardous routes. As such, hazardous routes are viewed by the state in the same vein as courtesy routes and are not eligible for state aid. Boards of education have the discretion in identifying criteria for hazardous routes and may rely on the municipality for this determination. Additional information regarding this matter, as outlined in the February 2006 Commission on Business Efficiency of the Public Schools: Finding the Road, Selected Issues in NJ Pupil Transportation is available on our district website.

Q: *Does a parent have the right to waive the right to transportation for an eligible student?*

A: According to the NJ Department of Education, pursuant to NJSA 18A:39-1, if a child meets the remote from school mileage requirement, they are eligible for transportation and a parent cannot waive the child's right. An "opt out" option is currently not part of state statute or code.

Non-Public Bussing

Q: *What are the existing regulations for the district with regard to students attending nonpublic schools?*

A: NJAC 6A:27-1.2 (a) refers the reader to NJAC 6A:27-2.2 for eligibility criteria for nonpublic school transportation.

Q: *Are nonpublic students also included in our courtesy bus routes?*

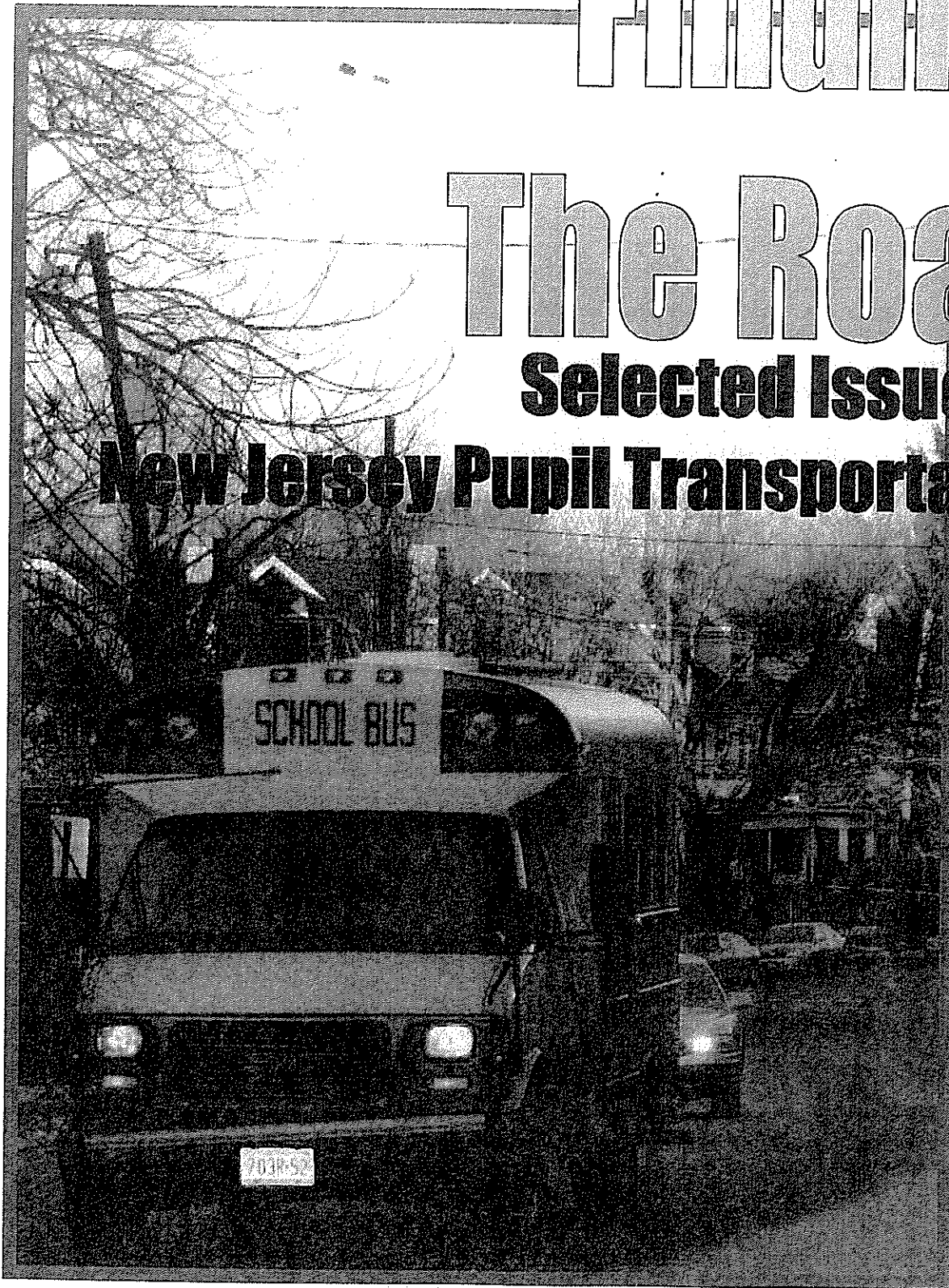
A: Yes, school districts are required to follow the same rules for all children, public and nonpublic – including if the local school board modified the distance for courtesy bussing.

However, please see the prior item regarding nonpublic student's impact on the district's efficiency rating. The student rider ship calculation does *not* include nonpublic and charter school students *whose parents receive aid-in-lieu*. *However*, eligible resident district regular public, nonpublic, charter school and in-district special education students who do not have special transportation needs who receive transportation *are included*.

Finding

The Road

Selected Issues in New Jersey Pupil Transportation



**Commission on Business Efficiency of the Public Schools
February 2006**

Finding the Road:

Selected Issues in New Jersey Pupil Transportation

A report with recommendations by the

Transportation Task Force
of the
Commission on Business Efficiency
of the Public Schools

February 2006

NON-MANDATED TRANSPORTATION

Transporting pupils for reasons other than reasons of State mandate has been deliberated within the Legislature, by local municipalities, local school boards, special task forces, the New Jersey Department of Education, and various other groups across the State for decades. Groups engage in these discussions for various reasons ranging from dangerous conditions between home and school to local citizens who believe that the current definition of remote contained in statute are inappropriate.

Mandated transportation, as used here, includes busing provided by school districts due to a legal mandate, such as the distance from school (remote transportation) or as required under the Federal Individuals with Disabilities Education Act (IDEA.)

Non-mandated transportation includes "hazardous", "courtesy" and "subscription" busing.

Hazardous busing is transportation, paid for in full or in part by the school district, provided to students, not eligible for mandated transportation, which is undertaken to avoid a specific identified hazard along the travel path a student must follow in traveling to and from school.

Courtesy busing is transportation, paid for in full or in part by the school district, provided to students, not eligible for mandated transportation, for reasons

other than a specific identified hazard.

Subscription busing is any transportation paid for in full or in part on behalf of a student by a parent, guardian or other source other than the school district.

HAZARDOUS ROUTES

Various approaches have been suggested and discarded, from full State funding of "hazardous" routes to eliminating all "courtesy" busing. The major obstacle in bringing about a meeting of the minds on this issue has been the difficulty in developing a definition of "hazard" that satisfies the diversity of conditions experienced by children who are not included in State mandated pupil transportation. Some hazards are related to traffic. Using the volume of traffic to define these hazards would require intense tracking of traffic changes on roads of various sizes and capacities across the State. Then there is the question of evaluating the impact on hazard of the combination of road capacity, traffic volume, traffic control (lights, stop signs, crossing guards, etc...) and road infrastructure (are there sidewalks?). Some hazards are related to the level of crime along the travel path. According to the New Jersey Department of Education, 200,000 students are courtesy bused.

Currently, boards of education may identify criteria for hazardous routes and put courtesy busing in their

budgets, or they can ask voters in a referendum question whether taxpayers should pay for courtesy/hazardous route busing. Boards may seek determination of the hazardous condition by the local municipality drawing on the expertise of the local police department. Towns often provide crossing guards, sometimes using police at dangerous intersections. Some municipalities have sought to eliminate hazards by undertaking capital projects such as sidewalks and controlled crossings.

The Task Force believes that the safety of children is held by the State and its citizens as one of the most important values. The Task Force holds that absent an appropriate statewide definition of hazard, school boards and municipalities should be made as free as possible to manage the issue locally. Local districts and municipalities should have the opportunity to implement busing to protect children from identified hazards, without being penalized or interfered with by the State. By this the Task Force means that the State should, through design in aid or any other means, hold or use choices or expenditures made for these purposes to the financial detriment of the school district or municipality. This does not mean that the expenditures need not be subject to any local approval process (budget process, referendum, votes etc...) to which expenditures are subject. It does mean that once the local decision has been made, that

decision should not have negative repercussion from the State. The above does not apply to courtesy busing, which a school board chooses to do for reasons other than specified hazards.

COURTESY BUSING

As implied by its name, courtesy busing is provided as a convenience to a school student who would not otherwise be eligible for transportation services. The local policy choices behind the decision to provide such transportation when not needed for identified safety reasons, include a local conviction that the limits in Statute are too severe, parental pressure, or the existence of a safety hazard that the local community is unable or unwilling (sometimes for liability reasons) to officially identify. When the arguments seem sufficient to a local school board they may choose to provide this transportation at the school district's expense. This choice may lead to negative consequences under the State's school funding formula. In the Comprehensive Education Improvement and Finance Act (CEIFA) schools, failing to achieve a satisfactory vehicle utilization score may be subject to a loss of school aid. This may occur since courtesy students are not included in the utilization calculation while all of the districts available bus seats are counted, including those used to transport these children.

While some have argued that children who receive courtesy transportation should be included in the calculation of

transportation efficiency in order to get a "true" estimate of efficiency. It is consistent with State law and the Constitutional mandate that the Legislature "provide for the maintenance and support of a thorough and efficient system of free public schools" to disallow the count of students transported for reasons not indicated as necessary in State law. It is also consistent to include in the calculation of efficiency the physical seats on buses used for courtesy transportation since they these seats are paid for with public monies.

SUBSCRIPTION BUSING

Subscription busing identical to courtesy busing in all respects except that the expense is offset in whole or part by non-school district funds. Usually this is accomplished through collecting a fee from the parent or guardian of the child receiving the transportation. In discussions on this issue, this difference was give significant importance by the members of the Task Force. Since the cost is being covered by non-school funds, it was suggested that the transportation services these students receive should not negatively affect the utilization calculation, at least to the extent that the fee covers the actual cost of the services. One reason members hold this point of view is that it accomplishes the exploitation of otherwise unused capacity. In many cases, the dispersion of transportation eligible students is such that efficient loading of a vehicle is difficult or impossible resulting in routes with few riders and significant

empty seats. In the operation of this route, it is also nearly inevitable that the bus will pass the homes or travel routes of students not eligible for transportation whose parents might be willing to pay for transportation services. Allowing the sale of the unused capacity is a clear economic benefit to the school budget and is equally clearly an efficient and effective use a valuable public asset that would otherwise go underutilized. The realization of this offsetting revenue stream, to the extent to which it covers the per rider cost, should be recognized in the calculation of efficiency.

FINDINGS AND RECOMMENDATIONS

Finding: 16

Hazardous busing is a local issue and the state should not interfere with the management or financing of hazardous busing by local government entities. The state should do nothing that penalizes local government entities for this management, given that the local government entities declare and identify the hazard.

Finding: 17

Courtesy busing and Subscription busing are matters of local decision-making. Subscription busing, however, should be treated differently in any calculation of efficiency since it has offsetting revenue and should be seen as a good practice at least to the extent that the revenue offsets the actual cost of the service.

NON PUBLIC TRANSPORTATION

In addition to transporting students of public school districts, the State also requires the transportation of students who live in a school district but attend private schools if they live beyond the minimum distance from the private school and the public school district provides such transportation for any of its students. A public school district, in which no students enrolled in the public school live remote from school, is not required to provide transportation to non-public students regardless of how far they live from school. In addition, a district is not required to transport non-public school students who live more than 20 miles from school. Further, the cost of transportation for the non-public student which school district spend to provide this transportation is limited to an amount which changes from year to year based on inflation or the State Budget. If the transportation cost exceeds this amount, the district may not provide the transportation but instead must pay the parent or guardian of the student an amount equal to the limit in lieu of providing transportation.

The three issues of greatest interest to the Task Force regarding non-public transportation were; 1) limits on the distance a school district may transport a non-public student; 2) Bidding Practices and 3) the state of the statutes dealing with non-public school transportation in 18:A:39-1 et seq.

Also of great concern are the more than 40,000 non-public students entitled to transportation services who do not receive these services. This issue is addressed in the section on cooperative transportation.

DISTANCE LIMITS

One of the intricacies of non-public transportation referred to earlier is that of the distance limits that apply to non-public students in different situations.

Remote. The definition of remote is the same for both public and non-public students: "...elementary school pupils who live more than two miles from their public school of attendance or secondary school pupils who live more than 2 1/2 miles from their public school of attendance" (N.J.S.18A:39-1) are considered to live remote from school. However, as stated above, in a public school district in which no students enrolled in the public school live remote from school, the district is not required to provide transportation to non-public students regardless of how far they live from school. The pupil transportation community commonly refers to these school districts as "trigger districts." Some hold that there is an inherent inequity involved, in that two citizens state identically situated for a particular need should have similar access to services or benefits. While the Task Force considered this, they also recognize that requiring a small district to engage in the provision of transportation for a limited

need would place an undue burden the district.

Maximum Distance. Districts are not required to provide transportation to a non-public student if the school is more than 20 miles from the student's home or, in certain counties with smaller populations, not more than 30 miles. From time to time, various groups and individuals have proposed increasing the limit to 30 miles for more or all of the non-public students in the State. The Task Force discussed this issue several times. While concerns regarding cost were very compelling, the most persuasive argument was that increasing the limit would endanger transportation already being provided. If the limits are increased, existing routes, now serving children, might be lengthened to accommodate new students who reside between the current 20-mile limit and the new limit. At this point, the cost of the route might exceed the aid-in-lieu limit. The result would be that none of the children would receive transportation. For this reason, the Task Force cannot recommend increasing the maximum distance limits. If regional coordination of transportation was sufficiently improved, the potential loss of transportation to students when eligibility was widened might be avoided. However, until that time, the Task Force cannot recommend changing maximum distance limits for non-public transportation.

