

SUBCHAPTER 2. NONPUBLIC SCHOOL TRANSPORTATION

6A:27-2.1 General provisions

(a) Transportation or aid in lieu of transportation shall be provided in accordance with N.J.S.A. 18A:39-1 et seq.

(b) District boards of education shall advertise and receive bids for nonpublic school transportation before a determination is made to provide transportation or aid in lieu of transportation.

1. The resident district board of education is not required to bid for nonpublic school services when transportation is provided utilizing a district owned vehicle, public transportation, through a renewal of an existing contract, or an agreement with another district board of education.

2. Resident district boards of education which paid aid in lieu of transportation in the prior year or have determined that they cannot provide transportation for the ensuing school year, shall attempt to utilize one of the coordinated transportation services agencies before paying aid in lieu of transportation.

3. When a resident district board of education bids or coordinates nonpublic school transportation services with another district board of education, the resident district board of education shall consider the following criteria prior to determining the method of providing transportation services. Additional criteria may also be used at the resident district board of education's discretion.

i. There are an adequate number of resident students attending the nonpublic school(s) to support a bus route.

ii. The location of the nonpublic school is within the district or regional school district.

iii. Tiered routes can be designed to include public and nonpublic schools. A tiered route shall mean the utilization of a single vehicle to service more than one route.

iv. Routes can be designed to transport public and nonpublic school students on the same bus.

v. Routes can be designed to service multiple nonpublic school destinations.

vi. The route can be designed according to local policy regarding length of time.

4. The resident district board of education is not required to bid for nonpublic school services when another district board of education has bid on the resident board's behalf.

(c) The resident district board of education is not required to pay aid in lieu of transportation when the parent or legal guardian of the nonpublic school student returns the signed payment voucher after the end of the fiscal year.

(d) The resident district board of education shall not expend more than the maximum per student expenditure for nonpublic school transportation in accordance with N.J.S.A. 18A:39-1.

1. The calculation of the maximum per student expenditure shall not include any administrative fee charged by a coordinated transportation services agency.

(e) Transportation for nonpublic school students shall be provided Monday through Friday between September 1 and June 30 when the non-profit nonpublic school is in session.

(f) A late application is any request received by the resident district board of education after March 15. Eligible students shall receive transportation or aid in lieu of transportation based upon the date of receipt of the applications for nonpublic school transportation by the resident district board of education.

(g) The payment of aid in lieu of transportation may be adjusted when the request for transportation is received after the start of the nonpublic school's year, or when the student withdraws from the nonpublic school before the close of the school year.

6A:27-2.2 Eligibility requirements

(a) Elementary school students shall reside more than two miles from their nonpublic school and secondary school students shall reside more than two and one-half miles from their nonpublic school to be eligible for transportation services.

(b) Only resident district boards of education which provide transportation to remote public school students attending public school programs other than vocational, special education or other specialized programs are required to provide transportation services to eligible nonpublic school students.

(c) The nonpublic school shall be located within the State not more than 20 miles from the student's home, and shall not be operated for profit in whole or in part.

1. If a school district is located in a county of the third class with a population of not less than 80,000 and not more than 120,000, transportation services shall be provided to a nonpublic school located outside the State not more than 20 miles from the student's home. A third class county is defined as a county that does not border the Atlantic Ocean and has a population between 50,000 and 200,000.

2. Students living more than 20 miles from their nonpublic school are eligible for transportation services when other remote students living in their municipality, whose residence is less than 20 miles from the school, are transported to the same school.

Students who live more than 20 miles from their nonpublic school and who reside in a regional or consolidated school district composed of only two constituent municipalities, are also eligible for transportation services when other remote students living in either municipality are transported or the parents of other remote students living in either municipality receive aid in lieu of transportation. District boards of education may require students living more than 20 miles from the school to utilize existing school bus routes and stops established for students living within 20 miles of the school.

(d) All nonpublic school students eligible for transportation or aid in lieu of transportation shall be enrolled in grades kindergarten through grade 12. Nonpublic school students shall meet the entrance age requirement for the public school students of their resident district board of education in accordance with N.J.S.A. 18A:38-5 and 18A:44-2 to be eligible for transportation services.

(e) Expenditures for nonpublic school transportation are limited to the annual maximum statutorily established amount per student in accordance with N.J.S.A. 18A:39-1. If the cost of transportation to the nonpublic school exceeds this amount, the resident district board of education shall not provide transportation, but shall instead pay the parents or legal guardians of the student aid in lieu of transportation.

6A:27-2.3 Responsibilities of the district board of education

(a) The resident district board of education shall document receipt of applications for nonpublic school transportation and determine students' eligibility for transportation.

(b) The parents or legal guardians of the nonpublic school student and the nonpublic school administrator shall be notified by the district board of education as to the determination of each application for nonpublic school transportation by August 1 of each year.

(c) District boards of education shall prepare the Nonpublic School Transportation Summary form, as prescribed by the Commissioner of Education, and shall submit such forms to

the nonpublic school administrators in January and May for certification of each semester, respectively.

(d) The district boards of education shall evaluate the January and May certification reports and, if approved, shall continue to provide transportation services. The Request for Payment of Transportation Aid voucher, as prescribed by the Commissioner of Education, shall be sent to all parents or legal guardians of eligible students who are to receive first and second semester aid in lieu of transportation payments. The district board of education shall then pay aid in lieu of transportation to the parents or legal guardians of these students after receiving the signed Request For Payment of Transportation Aid vouchers from the parents or legal guardians.

(e) A district board of education shall consult with the nonpublic school administrator prior to designing bus routes and in sufficient time to advertise for bids, when a request is made by a nonpublic school administrator for such consultation.

(f) A district board of education shall provide to the Executive County Superintendent of Schools, upon request, documentation that the criteria for bidding pursuant to N.J.A.C. 6A:27-2.1(b)3 has been utilized.

6A:27-2.4 Responsibilities of the nonpublic school administrator

(a) The administrator of the nonpublic school shall obtain the Application for Nonpublic School Transportation forms and procedures from the New Jersey Department of Education website.

(b) Applications shall be distributed to the parents or legal guardians of students upon registration in the nonpublic school, and whenever the student has a change of address.

The administrator of the nonpublic school shall annually collect the Application for Nonpublic School Transportation from the students' parents or legal guardians and shall submit these forms to the resident district boards of education in which the students reside, within 30 days of the

students' registration in the nonpublic school, or by March 15 of the preceding school year in which transportation services are to be provided.

1. The administrator of the nonpublic school shall ensure the accuracy of the information contained in the Application for Nonpublic School Transportation, except for the one-way mileage from a student's home to the nonpublic school.

(c) The nonpublic school administrator shall submit the school calendar to the resident district board(s) of education responsible for providing transportation services by May 15, preceding the school year in which transportation is being requested.

(d) The nonpublic school administrator shall certify on forms, prescribed by the Commissioner of Education, that the named students were enrolled for the first and second semesters of the academic year. The nonpublic school administrator shall return these forms to the district board(s) of education as prescribed by the board.

(e) The nonpublic school administrator shall immediately notify the student's resident district board of education in writing when a student eligible for transportation or aid in lieu of transportation has a change in address or withdraws from the nonpublic school. Whenever a student has a change in address, a new Application for Nonpublic School Transportation shall also be submitted.

(g) The nonpublic school administrator shall immediately notify the student's resident district board of education in writing when there is a change in the school location.

6A:27-2.5 Responsibilities of the parents or legal guardians of nonpublic school students

(a) It is the responsibility of the parents or legal guardians of a nonpublic school student to annually obtain the Application for Nonpublic School Transportation from the administrator of the nonpublic school in which the student is enrolled.

(b) The parents or legal guardians shall complete the Application for Nonpublic School Transportation annually for each student, and submit the application to the administrator of the nonpublic school by March 10 preceding the school year for which transportation is being requested or at the time of registration in the nonpublic school if registration is after March 10.

1. Any application received after March 10 is considered to be a late application. Eligible students shall receive transportation or aid in lieu of transportation based upon the date the application is received by the resident district board of education.

2. A new application shall be completed and submitted to the nonpublic school whenever the student has a change of address.

(c) Parents or legal guardians receiving aid in lieu of transportation shall complete and submit a signed Request for Payment of Transportation Aid voucher to the resident district board of education upon request.

6A:27-2.6 Responsibilities of the Executive County Superintendent of Schools

(a) The Executive County Superintendent of Schools shall assist district boards of education and the chief school administrators of the nonpublic schools in coordinating the calendars and schedules of the public and nonpublic schools to facilitate the coordination of services.

(b) The Executive County Superintendent of Schools shall arbitrate any disputes between district boards of education and the chief school administrators of nonpublic schools regarding student transportation.

1. The district board of education or nonpublic school administrator shall submit requests for arbitration in writing to the Executive County Superintendent of Schools outlining the matter to be arbitrated.

(c) The Executive County Superintendent of Schools shall convene a meeting, at least once a year, of representatives of all district boards of education and nonpublic school administrators in the county to discuss issues related to student transportation.