

By Gianfranco A. Pietrafesa, Esq.

Fundamentals of School Busing

The busing of students is regulated by state law. Some busing is mandatory, other busing is voluntary. A school district is required to provide busing to students who live a certain distance away from their schools and to certain special education students. A school district may also voluntarily provide busing to other students. Lurking somewhere in the middle is the safety busing that must or should be provided by a school district or a municipality.

This article summarizes the fundamentals of school busing.¹ The state statutes and administrative regulations governing student transportation are complex and can be convoluted; therefore, school board members should consult their superintendent of schools, business administrator or board attorney concerning specific questions or issues relating to busing in their districts.

Mandatory Busing State law requires a school district to bus students who live more than two miles from their public elementary and middle schools and more than two and one-half miles from their public high schools. This type of busing is known as remote busing.² State law also requires a school district to bus special education students who require transportation in accordance with their Individualized Education Program (IEP).³

When a school district is required to provide remote busing to public school students, it is also required to provide remote busing to certain nonpublic school students. The nonpublic schools must be nonprofit and located in New Jersey, but not more than 20 miles from the

homes of the nonpublic school students.⁴ However, if a school district provides remote busing to one nonpublic school student attending a particular school, then as long as there are seats available on existing school bus routes, it must provide busing to other students attending the same nonpublic school, even if some students live more than 20 miles away from the school. In these circumstances, however, a school district may require that these students be picked up at a bus stop within 20 miles of the school. A school district may decide to pay the parents of these nonpublic school students an amount of money (established by the state) in lieu of busing.⁵

Courtesy and Other Voluntary Busing In addition to remote and special education busing, state law allows a school district to provide other types of busing, such as subscription and courtesy busing.⁶ For example, when a school district provides remote busing, it may also provide busing to public and nonpublic school students who are not eligible for remote busing (because they live within two or two and one-half miles, as the case may be, from their schools). A school district may defray the cost of such busing by instituting subscription busing in which parents accepting this type of busing must pay for all or part of the costs of this busing; however, parents of students qualifying for free or reduced price meals under the state school lunch program are not required to pay for busing.⁷

Likewise, in a similar program, a school district may allow nonpublic school students, not otherwise eligible

for busing because they live more than 20 miles away from the nonpublic schools, to purchase busing as long as there is space available on existing bus routes and the parents of these nonpublic school students pay the per pupil cost for the busing.⁸

A school district may also provide courtesy busing to public and nonpublic school students living on established bus routes within the two and two and one-half mile requirements, as long as there are seats available on buses. It may require the parents of such students to pay for all or part of the costs of this courtesy busing. Again, parents of students qualifying for free or reduced price meals under the state school lunch program are not required to pay for busing.⁹

Safety Busing State law requires a school district providing any courtesy busing to adopt a policy addressing the busing of students who walk along hazardous routes between their homes and schools. The policy must include a list of hazardous routes that require courtesy busing of students and the criteria used in designating the routes as hazardous. A school district must work in conjunction with municipal officials in identifying the criteria to designate a route as hazardous. Among the factors that may be considered are the volume of traffic, the speed of vehicles, the existence or absence of adequate sidewalks, roads with steep inclines or blind curves, and the crossing of busy roads, bridges, overpasses and train tracks.¹⁰

Another state law provides for a municipality to pay for safety busing

instead of a school district. When a governing body of a municipality finds that for safety reasons it is desirable to provide busing, the governing body and the school district can enter into a contract whereby the school district would provide the safety busing but the municipality would pay for it. Under this type of arrangement, the municipality may defray the costs of busing by charging the parents of the students who are bused for safety reasons, except that parents of students qualifying for free or reduced price meals under the state school lunch program are not required to pay for busing. This law does not,

however, prevent a school district from providing safety busing at its own expense if a municipality does not do so.¹¹

The month's sample policy on page 36, from the *NJSBA Critical Policy Reference Manual*, is on transportation routes and services. **SL**

Gianfranco A. Pietrafesa is an attorney with the law firm of Cooper, Rose & English, LLP in Summit and Rumson. Mr. Pietrafesa also served on the Hawthorne Board of Education for seven years. The author may be reached at gpietrafesa@crelaw.com.

ENDNOTES :

- ¹ See *N.J.S.A.* 18A:39-1 *et seq.*; *N.J.S.A.* 18A:46-23; *N.J.A.C.* 6A:27-1.1 *et seq.*
- ² *N.J.S.A.* 18A:39-1; *N.J.A.C.* 6A:27-1.2.
- ³ *N.J.S.A.* 18A:46-23; *N.J.A.C.* 6A:27-1.2.
- ⁴ *N.J.S.A.* 18A:39-1; *N.J.A.C.* 6A:27-2.2.
- ⁵ *N.J.S.A.* 18A:39-1.6; *N.J.A.C.* 6A:27-2.1.
- ⁶ *N.J.S.A.* 18A:39-1.1; *N.J.A.C.* 6A:27-1.3.
- ⁷ *N.J.S.A.* 18A:39-1.3 & :39-1.4. See also *N.J.A.C.* 6A:27-1.3(e).
- ⁸ *N.J.S.A.* 18A:39-1.7.
- ⁹ *N.J.S.A.* 18A:39-1.8 & :39-1.9. See also *N.J.A.C.* 6A:27-1.3(e).
- ¹⁰ *N.J.S.A.* 18A:39-1.5.
- ¹¹ *N.J.S.A.* 18A:39-1.2. See also *N.J.A.C.* 6A:27-1.3(d).

NJSBA Policy Services Sample Policy	File Code: 3541.1
TRANSPORTATION ROUTES AND SERVICES	
<p>The board of education directs the chief school administrator to supervise development of bus routes to provide safe, economical and reasonably expeditious transportation for:</p> <ul style="list-style-type: none"> A. Pupils who live remote from the schoolhouse as defined by New Jersey law; B. Educationally disabled pupils in accordance with their IEP; C. Pupils participating in board-approved extracurricular activities or field trips; D. Pupils whose route to the school is deemed hazardous by the board; E. Other pupils as required by law. <p>The criteria to be used in designing routes and assigning pupils to them shall include:</p> <ul style="list-style-type: none"> A. The distance to be traveled to and from school; B. The age and state of health of the child; C. The requirements of the instructional program; D. The hazards involved on the route to be traveled. <p>Transportation to and from school shall be provided as required by law to eligible nonpublic school pupils and to pupils attending charter schools. All pupils riding on district buses shall be required to observe the district's bus conduct regulations or risk loss of the privilege of such transportation.</p> <p>On a space-available basis, the board may transport both public and nonpublic students who live within statutory limits (courtesy busing). The board or a cooperative transportation services agency may charge for this service. The charge shall be equitable and shall include, but not be limited to, the cost of fuel, driver salaries and insurance.</p> <p>Buses, whether contracted or district-owned, shall be kept in optimum condition and shall conform to all state safety regulations.</p> <p>Bus routes must be acted upon by the board and submitted to the county office.</p>	
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COURTESY TRANSPORTATION ALONG HAZARDOUS ROUTES

The _____ Board of Education is concerned with the safety of students who walk to and from school along roadways determined to be hazardous routes. The chief school administrator shall work in conjunction with municipal officials to determine the criteria necessary for the classification of a hazardous route and shall maintain a list of all hazardous routes in the district. The chief school administrator shall develop rules and regulations to supply courtesy transportation for students who must walk to and from school along routes designated by the _____ School District to be hazardous routes. The criteria used to determine hazardous routes may include but shall not be limited to the following:

- A. Population density;
- B. Traffic volume;
- C. Average vehicle velocity;
- D. Existence or absence of sufficient sidewalk space;
- E. Roads and highways that are winding or have blind curves;
- F. Roads or highways with steep inclines and declines;
- G. Drop-offs that are close proximity to a sidewalk;
- H. Bridges or overpasses that must be crossed to reach the school;
- I. Train tracks or trestles that must be crossed to reach the school;
- J. Busy roads and highways that must be crossed to reach the school.

Students who would otherwise be required to walk to and from school along routes designated as hazardous shall be included in the calculation of the district's regular vehicle capacity utilization.

Legal References: N.J.S.A. 18A:7F-25 Transportation aid
 N.J.S.A. 18A:22-8.6 Transportation (budget line item)
 N.J.S.A. 18A:36A-13 Transportation services (charter schools)
 N.J.S.A. 18A:39-1 *et seq.* Transportation To and From Schools

See particularly:

N.J.S.A. 18A:39-1.2 through -1.9
 N.J.S.A. 18A:46-19.6 Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost
 N.J.S.A. 18A:46-23 Transportation of pupils; special classes; handicapped children; state aid
 N.J.S.A. 39:3-10.9 *et al.* New Jersey Commercial Drivers License Act
 N.J.S.A. 39:3-27 Free registration of certain vehicles; transfer to other motor vehicles
 N.J.A.C. 6A:27-1.1 *et seq.* Student Transportation

See particularly:

N.J.A.C. 6A:27-1.1(b), -2.1, -3.1, -5.1, -6.2, -6.3, -6.4, -9.1(e), -11.1, -13.3
 N.J.A.C. 6A:30-1.1 *et seq.* Evaluation of the Performance of School Districts *Parents for Student Safety, Inc., v. Morris Bd. of Ed.*, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24), *aff'd* App. Div., unreported decision (docket no. A-3257-85-T7, decided February 17, 1987) certif. den. 108 N.J. 180 (1987) *Wayne Board of Education v. Kraft et al.*, 139 N.J. 597 (1995) *Policies and Procedures Manual for Pupil Transportation*, N.J. State Department of Education *Manual for the Evaluation of Local School Districts* (September 2002)

Possible Cross References: *3220/3230 State funds; federal funds *4211 Recruitment, selection and hiring
 *3516 Safety *5200 Nonpublic school pupils
 *3541.31 Privately owned vehicles *6145 Extracurricular activities
 *3541.33 Transportation safety *6153 Field trips

*Indicates policy is included in the *Critical Policy Reference Manual*.

