

Summary of Issues Affecting Nonpublic School Students

When Bussing is not Provided by the District

Introduction:

The controlling set of statutes for nonpublic school bussing occurs at NJSA18A:39-1 et seq. There are two types of bussing affecting nonpublic school students. Distance bussing occurs when the district is a “trigger” district (that is, it transports its own students). The definition for distance bussing is that an elementary student live between two and twenty miles and that a secondary student live between two and a half and twenty miles from school.

There are exceptions to this mileage requirement at the upper end for students who live in the counties of Hunterdon, Warren, Sussex, Gloucester, Cumberland and Salem. A district’s responsibility to transport nonpublic school students does not apply when the district only transports its own students attending special education, vocational, or other specialized schools (e.g. magnet schools).

The second type of bussing is called “courtesy bussing” (more accurately termed “hazardous bussing”). This situation occurs when the district offers transportation for students who live under the mileage limits. In general, because courtesy bussing is funded completely from local money, nonpublic school students are not entitled to this service, even if comparable public school students are receiving the transportation.

Distance Bussing:

The following should be considered if transportation is denied to nonpublic school students in a given district:

- Has the district given the names of the students who are eligible, but not receiving transportation to the Coordinated Transportation Services Agency (CTSA) in the appropriate county? If not, the district should be instructed to do so.
- Has the route been bid more than once by the district/CTSA? Multiple bidding should occur if there is a time gap between bidding periods and/or if the route specifications have been altered.
- If the route has been bid multiple times, is it bid under the same bid specifications? For example, is it possible for the school, with the input of its parent constituency, to construct a route which would reduce the distance of the route or the number of stops. Compressing either component of the route will make the route more likely to be bid upon by bus contractors.
- Are there special circumstances, such as that the district is a regional school district composed of only two constituent municipalities or a consolidated school district composed of only two municipalities? If such is the case, see the provisions of NJSA18A:39-1.6.

- Are there students living more than twenty miles from their nonpublic school in a municipality where other remote students whose residence is less than twenty miles from the school are transported to the same school? These students would be eligible for transportation, but it may be necessary for them to travel to an existing bus stop. Their addition to the route may increase the viability of the route.
- Is there a possibility of mixing nonpublic school students with public school students on an existing route to give transportation for nonpublic students?
- Are there other nonpublic schools in the district (or surrounding districts) whose students have not been transported but who are eligible for such transportation? These students are not automatically entitled to “aid-in-lieu-of” payments because the district is obliged to attempt to transport such students (either through its bidding process or that of the CTSA) in order to have the potential to save taxpayer money (that is, having the students transported at less than the nonpublic school ceiling or “aid-in-lieu-of” amount).
- Are there creative ways to use shuttle busses from central points to maintain transportation within the cap?
- Have contacts been made individually with bus owners in order to determine what requirements would be necessary to have them bid on the route?
- Is there any minor adjustment that could be made to the opening and closing times of the nonpublic school to accommodate the non-transported students in a manner that would make a route viable? The assumption is that such an accommodation would be done without sacrificing the greater good of the entire school community.

Courtesy Bussing:

In situations where public school students are given courtesy bussing and nonpublic school students are denied this opportunity, the following actions are suggested:

- Discussions with school board members (who are elected officials and thus more responsive than the district officials) with respect to the issue of equity.
- Appearance at school board meetings and other public activities using the rallying cry that “the health and safety of nonpublic school students is as valuable as the health and safety of the public school students.” Emphasize that nonpublic school parents are taxpayers as well.
- Involve local and diocesan newspapers in this perceived inequity for nonpublic school students.
- Suggest that an equal amount of fees be paid by both public and nonpublic school students in order to make courtesy bussing viable.