

# NJ EDUCATION REPORT™

[Latest News](#)[NJER-TV](#)[Communities](#)[Policy](#)[Voices](#)[Opinion](#)[About](#)[Subscribe](#)[Show all](#)

## Murphy's Education Chief Rejects 'Fajr's Law,' Intended to Protect Students with Disabilities

By [Laura Waters](#) at December 15, 2023

Tags ▼ Topic ▼

This past July [Fajr Williams](#), a six-year-old child with multiple disabilities, was riding home from a summer program on her Franklin Township school bus when she had a seizure. She slumped down in her seat, the straps on the four-point harness caught her neck, and she strangled to death. While Fajr was struggling to breathe, according to the Somerset County [Prosecutor's Office](#), her bus aide was in a seat at the front of the bus "utilizing a cellular telephone while wearing earbud headphone devices in both ears."

This is not the first time students with disabilities have been injured on buses due to inattention of those assigned to keep them safe. Special education attorney Jamie Epstein recalls litigating a case involving a severely-disabled nine-year-old girl who was riding in her school bus with several other students. One of them, a fourteen-year-old boy with a history of sexual violence, sexually assaulted her. The aide, he told me, "simply was not paying attention."

After Fajr's story became public, Epstein had an idea: the state Department of Education should amend their rules regarding safe transportation of students, codified in [N.J.A.C. 6A:27-11.1\(c\)](#), to add a requirement that bus contractors transporting students with disabilities provide a live video feed that could be monitored remotely from the district. Currently, the rules say only that schools should make "random checks" of buses, which does little to protect vulnerable students. Epstein called his amendment "Fajr's Law."

**Earlier this month Acting Commissioner Angelica Allen-McMillan rejected his proposed amendment.** In a ["Notice of Action of Petition for Rulemaking,"](#) she itemizes her objections: Epstein didn't "establish requirements regarding how school district personnel would monitor the live feeds," which would "likely would lead to confusion and inconsistent implementation;" implementing this amendment would "require school districts to hire a significant number of staff members" to watch the live feed; Epstein failed to specify how those monitoring the feed could intervene; and the "proposed video live stream poses privacy and legal questions."

I asked Epstein to respond.

Allen-McMillan's stance, he said, amounts to "deliberate indifference," a legal term that describes an intentional disregard of safety and medical measures.

But aren't her objections legitimate?

Not according to Epstein.

True, he didn't "establish requirements" on how districts should monitor live feeds. But making rules is the DOE's job. The agency creates regulations all the time, typically (not always) without "confusion and inconsistent implementation."

Would monitoring the video feed require districts to hire "significant numbers of staff members? Unlikely, says Epstein: Fajr's Law would only apply to students with disabilities who are riding on buses contracted by the district. One person could easily monitor multiple feeds and use a cell phone to intervene.

Are live video feeds an invasion of student privacy, he asked rhetorically? How many people walk by a playground and see students playing? Do people avert their eyes when students are exiting from a bus?

The Commissioner's objections are unreasonable, Epstein says, yet there is no appeal process for Petitions of Rule-Making. Thus, there will be no Fajr's Law.

Yet imagine if that law had been implemented when the six-year-old was seizing on the bus and strangling in her harness while the aide played on her phone? At least this little girl, whom [her mother described](#) as ""full of life and joy," would have had a chance.