



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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September 29, 2011

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 15 DE Reg. 268 [DOE Proposed School Bus Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to add new regulations for school buses. The proposed regulation was published as 15 DE Reg. 268 in the May 1, 2011 issue of the Register of Regulations.

As background, the Department of Education maintains different regulatory standards for school buses based on the date when placed in service. See attachment. The last set of regulations covered buses placed in service after January 1, 2007. The DOE is now proposing standards applicable to buses placed in service on or after January 1, 2012. The new standards are generally based on the National School Transportation Specifications and Procedures (NSTSP) adopted in May 2010. The proposed regulatory standards are generally, but not always, equivalent to the 2007 regulatory standards. SCPD has the following observations.

First, while DelDOT has made all of its fixed route buses wheelchair accessible, the DOE approach is different. Lifts are only required on buses to be used for transportation of children who use a wheelchair or other mobile positioning device. See Section 2.0. It is SCPD's understanding that approximately 11% of buses have lifts. This relatively low percentage results in a fleet of vehicles which is predominantly inaccessible to students with mobility impairments and undermines prospects for "mainstreaming" of such students in the transportation context.

Second, the standard bus criteria (§1.17.8.2) include a provision requiring an emergency release switch to operate the 24"-wide entrance door (§1.17.3) in the absence of power. This would allow ambulatory students to exit the bus via 3 steps (§1.58.1) if the bus lost

power (e.g. during an emergency). There are also some provisions contemplating the installation of an emergency roof hatch, emergency door, and removable emergency window on standard buses (§1.21; §2.2). It is SCPDs understanding that lifts can be lowered manually; therefore, Council recommends that the manual lift capability be explicitly included in the regulation since there is an explicit analogous requirement that the entrance door have an emergency release switch operable in the absence of power (Sec. 1.17.8.2). In a related context, the 2007 standards (§3.7) allowed installation of a ramp as follows: "A readily accessible ramp may be installed for emergency exit use." In contrast, the 2012 standards generally bar ramps: "Buses shall not be equipped with vehicle ramps (§2.1.7). SCPD questions the categorical bar on a ramp to facilitate emergency evacuation. As a practical matter, it may be "quicker" in an emergency to evacuate a child with a mobility limitation via a ramp than a lift. What's the harm in allowing a ramp as a back-up to the lift?

Third, SCPD endorses the following provisions: a requirement of a communication device (§1.13); installation of handrails (§1.30); absence of unnecessary projections to minimize the potential for injury (§1.39.1); and an electrical child reminder system to assist the driver in checking for students left on board the bus (§1.54.1.11).

Fourth, SCPD is somewhat surprised that the air conditioning system in the bus under the 2012 and 2007 standards only requires cooling of the bus to 80 degrees (§1.32.2). This is ostensibly a somewhat weak standard especially since the compliance test is conducted on an empty bus without the heat produced by the passengers. This could prove problematic for students with respiratory conditions or asthma.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Mr. John Hindman, Esq.
Mr. Charlie Michels
Mr. Ron Love
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
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[1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 \(Terminology and School Bus Types are described in the National Standards for School Transportation 1995\)](#)

[1102 Standards for School Bus Chassis and Bodies Placed in Production on or after March 1, 2002 and on or after March 1, 2003 with Specific Changes for Buses Placed in Production after January 1, 2004 \(Terminology and School Bus Types are those described in the National School Transportation Specifications and Procedures \(NSTSP\), May 2000\)](#)

[1103 Standards for School Bus Chassis and Bodies For Buses placed in production on or after January 1, 2007 \(Terminology and School Bus Types are Those Described in the National School Transportation Specifications and Procedures \(NSTSP\), May 2005\).](#)

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