



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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August 26, 2015

Ms. Tina Shockley, Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 19 DE Reg. 112 [DOE Proposed School Transportation Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend sections of the school transportation regulation. The proposed regulation was published as 19 DE Reg. 112 in the August, 2015 issue of the Register of Regulations.

As background, the current DOE school transportation regulation requires bus drivers and aides to complete annual district-provided training. The current regulation also requires bus aides to complete an annual physical exam.

The attached Section 337 of the FY16 budget bill directs the suspension of these aspects of the regulation pending an appropriation:

(b) Notwithstanding any provision to the contrary, the additional in-service training requirements for school bus drivers and aides and annual physical examinations for aides imposed pursuant to Regulation 1150 (formerly 1105) School Transportation (14 Del.C. Section 122(d)) shall not be implemented until such time as the costs of implementing those additional requirements have been fully funded by the General Assembly.

The DOE is now implementing Section 337 by amending the pertinent sections of the school transportation regulation. SCPD has the following observations.

First, the approach adopted in §7.5 is "odd". It strikes some of the annual bus driver training standards and then recites the standards are only "effective pursuant to funding by the General Assembly". Logically, the standard should be retained in its entirety followed by the disclaimer that it is not effective until funded. The reference to "pursuant to funding by the General Assembly" could also be improved. Consider the following substitute: "Consistent with the annual budget epilog, the requirements in this subsection are suspended until fully funded by the General Assembly." This is more "informative" than an oblique reference to funding.

Second, the approach adopted in §8.2 is similarly "odd". It strikes some of the annual bus aide training standards and then recites the standards are only "effective pursuant to funding by the General

Assembly”. Logically, the standard should be retained in its entirety followed by the disclaimer that it is not effective until funded. The reference to “pursuant to funding by the General Assembly” could also be improved. Consider the following substitute: “Consistent with the annual budget epilog, the requirements in this subsection are suspended until fully funded by the General Assembly.”

Third, in §8.1.5, the following substitute for the final sentence should be considered: “Consistent with the annual budget epilog, the requirements in this subsection are suspended until fully funded by the General Assembly.”

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 Mark Murphy, Secretary of Education
Mr. Chris Kenton, Professional Standards Board
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski, Department of Education
Ms. Kathleen Geiszler, Esq., Department of Justice
Ms. Terry Hickey, Esq., Department of Justice
Ms. Ilona Kirshon, Esq., Department of Justice
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens

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