



Transporting Students with Disabilities and Special Needs

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Winter Weather Considerations

From unshoveled lift locations to road conditions to keeping kids warm

With winter approaching, transporting students with disabilities and special needs to and from school can be a challenge for many school districts across the country.

Slippery roads, snow, ice and heavy rain are all on the minds of school district transportation directors. Many are concerned about the affect the weather has on student safety and comfort.

Challenges in the "Snow Belt"

Getting ready for winter is certainly a challenge for Pat Bailey, director of transportation for the Syracuse City School District in Central New York, located in the nation's "snow belt." The district serves 24,000 students, 4,000 of them with special needs.

In Syracuse it usually starts snowing in November and may last through April, Bailey said. "It takes a real long time for that snow to melt."

Since there is so much snow, which is constantly being plowed and forming large snow mounds everywhere, it can be difficult loading or unloading a student in a wheelchair, Bailey said. "There is a challenge to

make sure the bus is in the right spot, so the lift can come down."

Perhaps the biggest challenge for drivers is when they arrive at a house with a student in a wheelchair to find that nothing has been shoveled, she said. "We have to make a concerted effort with parents to make sure the walk is clear and they have to shovel a spot for you," for the lift.

Drivers and aides must also make sure that students are protected, that they get to the doors of their homes safely without falling and that there is someone there to meet them, Bailey said

"Sometimes kids don't have the capability to keep warm like a regular child and to get right in the house—whether snow, rain or ice, any type of weather at all," Bailey said. "Make sure they are bundled up when getting out of the bus with their gloves, hat and shoes. A lot of care goes into that—they have special needs and we have to make sure we respond to their special needs."

Buses may also run late due to road conditions. "If we establish a good rapport with the par-

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ents, they will be very comfortable if the bus is late,” she said. “We want to put the parents at ease that we go slow in the bad weather.”

Storms in Seattle

When snow is in the forecast in Seattle, many people opt to stay home, said Tom Bishop, transportation manager for Seattle Public Schools. “When we have serious ice and snow, the whole area is gridlocked and parents don’t want to take a chance where the kids can’t get back home.”

A priority for Bishop is “trying to expedite getting wheelchair students on the bus as best as possible.”

Seattle is located in Western Washington, known for its steep hills. “When it snows, we can’t get the buses even with the chains to some of the roads and hills and parents have to come to other locations,” Bishop said. “We have steep hills in Seattle, kind of like San Francisco.”

“Sometimes when we get a storm here, we get 12 inches of snow in a couple of hours,” he said. “There have been times

Safety Tips for Transporting Students with Special Needs in Bad Weather

- Establish communication with parents.
- Make sure you have current phone numbers.
- Ask parents to shovel sidewalk and area in front of house to accommodate lift and wheelchair. Put sand down where needed.
- Carry umbrellas on the bus.
- Try to make sure students are warm and dry.
- Make sure parents are home and not delayed because of the weather.

where kids spend the night in the local schools because no one could get home. This is hard and very difficult for special needs kids.”

Salt, commonly used on roads in many parts of the United States, “is deemed environmentally unfriendly,” in Seattle, Bishop said. Instead, anti-icing agents are used. “Salt is only used as a last ditch effort,” he said.

Bishop also recommends that drivers and aides have current phones numbers for all families so they can keep in contact with parents if they need to arrange a new bus stop.

Seattle is known for getting lots of rain, so Bishop encourages the bus aides to carry an umbrella to keep the students dry. Many parents also accompany their children to the bus with an umbrella, Bishop said.

Pick-up Options in Philadelphia

John Lombardi, senior vice president of transportation for the School District of Philadelphia (PA), said the district has three centers for special needs students where bus drivers take special needs students if parents are not at home or if the driver is unable to get the child home in bad weather. “Philadelphia is an old city and some streets are too small to accommodate a school bus, especially with inclement weather,” he said.

The School District of Philadelphia serves 37,000 students, including 7,300 with special needs.

By Allison Freeman

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Case Law: Inaction versus Action

At the National Association of State Directors of Pupil Transportation Services (NAS-DPTS) Annual Conference, Peggy Burns, a consultant with and owner of Education Compliance Group, Inc., spoke about the implications of case law on school transportation. In Burns' analysis, many cases hinge on the issue of inaction versus action by school bus personnel. She explained, "Many cases that talk about student injury on buses evaluate whether the driver or monitor did something or did not do something.

There is a high potential for liability when doing or not doing something led to the injury."

Evaluating a Case

Burns said that the court looks at the following factors when evaluating a case:

- Was the injury predictable or foreseeable? For example, if a known bully leaves her seat and approaches another child, should the driver anticipate that something would happen and take action to prevent it?
- Is a reasonable response available? In the above-mentioned situation, stopping the bus on a residential street might be appropriate, but

doing so on a highway might be unsafe.

- Did someone do something that led directly to the injury? For instance, was a student in a wheelchair loaded improperly on the bus?

Naturally, these questions have implications for how drivers, monitors and aides are trained.

Although some situations are unforeseeable and predictable, your transportation staff must understand the appropriate response to potentially

dangerous situations. Your expectations for handling fights on buses, for example, should be extensively covered in training. Role-playing scenarios might be a helpful way to explain the proper response to different scenarios.

Relationship Between Driver and Other Staff

Burns also emphasized that there must be clear expectations in terms of the relationship between the driver and other transportation staff on the bus. If an aide notices that a driver is doing something wrong, what steps should be taken? Burns cited the example of a case involving a city that had separate contracts for drivers and monitors. One driver took his bus off

route to his personal residence and took a teenager with a disability from the bus into his home, where he sexually assaulted the student. Though the monitor knew the driver was acting improperly, the monitor did nothing. The case is moving forward against both companies because the monitor could have taken reasonable actions to prevent the situation.

Burns asked, "What is the interaction between the driver and the monitor/aide on the bus? The assumption is that the driver is always in charge and has the ultimate responsibility for the welfare of the kids. Does that alleviate the responsibility of the monitor? We have not paid sufficient attention to the relationship between the driver and other adults on the bus."

Again, this has implications for training. Are monitors and aides trained on how to make an emergency call using the bus's communication system in the event that the driver cannot make a call? Which staff member is responsible for ensuring that all children are on the bus? Burns insisted, "This needs to be a conversation because this case is not an isolated incident." Clearly communicating expectations for the relationship, communication, and responsibilities of drivers, aides, and monitors can help prevent compromising or dangerous situations while limiting the potential for liability.

By Vanessa L. Strickley

CLEARLY COMMUNICATING EXPECTATIONS FOR THE RELATIONSHIP, COMMUNICATION, AND RESPONSIBILITIES OF DRIVERS, AIDES, AND MONITORS CAN HELP PREVENT COMPROMISING OR DANGEROUS SITUATIONS WHILE LIMITING THE POTENTIAL FOR LIABILITY.

OSERS Provides New Q&A on Serving Children with Disabilities Eligible for Transportation

The Office of Special Education and Rehabilitative Services (OSERS) issued a Q&A document this November to provide additional information regarding the requirements for serving children with disabilities eligible for transportation. It provides the U.S. Department of Education's current thinking on this topic while addressing some of the most important issues raised by requests for clarification on a variety of high-interest topics.

Those topics include:

- **General Topics**—“If a child’s IEP identifies transportation as a related service to be provided to the child, what are strategies that can be used to provide that service?”
- **The Duration of Travel and Time on Learning**—“If a child with a disability spends a significant amount of time being transported to and from school, as well as to and from another location to receive special education and related services, is the child entitled to receive additional school time to make up for the time lost in transportation?”
- **Vehicle Requirements**—“When does the IDEA

require climate-controlled transportation for children with disabilities?”

- **Confidentiality**—“What information should an LEA give to school bus drivers to ensure that the drivers understand the confidentiality protections of children who are transported?”
- **Right to Transportation Outside of Normal School Hours**—“When does a child with a disability have a right to transportation to and from school-related activities that occur outside of normal school hours, such as community service activities that are required by school?”
- **Children in Preschools**—“When is an LEA obligated to provide transportation for a preschool child with a disability between private day care and the child’s preschool?”
- **Reimbursement**—“Must an LEA provide appropriate information and assistance to the parents of a child with a disability who are seeking reimbursement for mileage expenses for transportation the IEP Team included in the child’s IEP?”
- **Discipline**—“If transportation is included in the IEP for a child with a disability who has documented behavioral concerns on the bus, but not at school, when may a school district suspend the child from the bus for behavioral

issues and not provide some other form of transportation to and from school?”

To read more about how OSERS answers these questions—and more—head to http://idea.ed.gov/object/fileDownload/model/QaCorner/field/PdfFile/primary_key/12.

DOT Releases New Action Plan to Address Motorcoach Safety

The U.S. Department of Transportation released its Motorcoach Safety Action Plan on Nov. 16, which lays out concrete steps for improving motorcoach safety across the board. The action plan addresses major safety issues such as driver fatigue and inattention, vehicle rollover, occupant ejections and oversight of unsafe carriers.

“We are committed to making sure that bus travelers reach their destinations safely,” said Transportation Secretary Ray LaHood. “These improvements will not only help reduce the number of motorcoach crashes, it will also help save lives and reduce injuries.”

While motorcoach travel carries 750 million passengers annually, an average of 19 motorcoach occupants are killed in crashes each year according to data collected by DOT’s National Highway Traffic Safety Administration. Additional fatalities result among pedestrians, and

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Federal Developments

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occupants of other vehicles involved in these crashes.

To address this issue, Secretary LaHood directed DOT's agencies to take a fresh look at motorcoach safety issues, identify actions to address outstanding safety problems, and develop an aggressive schedule to implement those actions.

The comprehensive action plan proposes enhanced regulatory oversight of new and high-risk motorcoach operators, as well as the increased use of new technologies. To address driver distraction, it proposes to initiate rulemaking to prohibit texting and limit the use of cellular telephones and other devices by motorcoach drivers. It also dis-

cusses requiring electronic on-board recording devices on all motorcoaches to better monitor drivers' duty hours to address fatigue, and enhanced oversight of unsafe carriers.

In addition, the action plan proposes to better protect motorcoach occupants by requiring the installation of seat belts and discusses additional measures such as the establishment of performance requirements for enhanced roof strength, fire safety, and emergency egress. It also calls for safety improvements using technologies such as electronic stability control to prevent rollovers.

Source: NHTSA, 11/16/09

Annual FARS School Travel Hours Database Now Available

Every year, the California Association of School Transportation Officials (CASTO) creates a database that compiles data from the U.S. Department of Transportation's Fatality Analysis Reporting System (FARS). The data included is for school-aged children (ages 5-18) during normal school transportation hours in passenger motor vehicles such as passenger cars, vans, light trucks and SUVs, as pedestrians and in school buses. Normal school transportation hours are designated as 6 to 8:59 am and 2 to 4:59 pm, Monday through Friday, September 1 through June 15 (excluding major national holidays).

The system provides several customizable reports that allow users to compare the safety of various modes of transportation over time, on a county, state or national basis. The database can be a useful tool in letting parents and policymakers know how safe school buses can be.

To access this searchable database, go to www.castoways.org and click "Crash Statistics" in the right-hand menu.

Clarification

Accuracy in reporting is a cornerstone of our efforts here at *TSDSN*. We would like to clarify some information printed about contractors and the FERPA amendments, as reported on page 6 of the Nov. 17, 2009 issue. The final FERPA regulations that went into effect in December 2008 *clarified* that school officials' exceptions under FERPA may include contractors, consultants and other outside parties—as long as the school district gets parental permission or alerts parents that necessary information will be disclosed to these contractors in its Annual FERPA Notification—rather than *changing* this exception. In the past, contractors *could* legally have access to this information, yet some struggled to receive necessary information from their districts. The amended regulations simply codified and confirmed this. According to Peggy Burns, a full-time consultant with Education Compliance Group, Inc. (former in-house counsel with Adams 12 Five Star Schools, and not a current member of the Adams 12 Five Star staff, as previously reported), "Whether they will now get this information still depends upon the educators."

Recent Recalls ...

Blue Bird/Vision

Component: Equipment
Adaptive

Blue Bird is recalling up to 180 certain MY 2010 Vision school buses manufactured between May 12 and September 10, 2009 that were equipped with an optional wheelchair lift. The wheelchair lift power cable may come in contact with the engine exhaust manifold (*NHTSA Campaign ID #: 09V441000; Blue Bird Recall Campaign #: R09PW*).

Should the cable contact the manifold, its insulation would melt causing a potential for a direct short, which could result in a vehicle fire.

Blue Bird will notify owners and dealers will inspect the wheelchair lift power cable and repair if necessary. The safety recall is expected to begin on or about December 12, 2009.

Blue Bird/Micro Bird

Component: Equipment:
Other: Labels

Up to 376 certain MY 2006 through 2010 Blue Bird Micro Bird single rear wheel model school buses manufactured from Aug. 31, 2005 through Sept. 27, 2009, fail to conform to federal motor vehicle safety standard no. 110, "Tire Selection and Rims." If the vehicle is not equipped with a spare tire, then the tire and loading placard should indicate "none" under the size and recom-

mended tire inflation pressure. The placard listed inflation pressure for a spare tire that was the same as the front tire inflation pressure (*NHTSA Campaign ID#: 09V450000; Blue Bird Campaign #: R09PX*).

Inflation pressure required for the rear tires could be higher than the front tire, which could cause premature tire wear resulting in a potential tire failure, increasing the risk of a vehicle crash.

Blue Bird will provide replacement tire and loading placards with the appropriate spare tire indicated to owners free of charge. The campaign is expected to begin on or about Dec. 9, 2009.

For the Blue Bird/Vision and the Blue Bird/Micro Bird recalls, owners may contact Blue Bird at 1-478-822-2242 or the NHTSA's vehicle safety hotline at 1-888-327-4236 (TTY 1-800-424-9153), www.safercar.gov.

Thomas Built Buses/MVP-EF

Component: Vehicle Speed
Control: Accelerator Pedal

Daimler Trucks is recalling up to 5080 certain MY 2006 through 2011 Thomas Built MVP-EF school buses manufactured from Feb. 15, 2005 through Nov. 23, 2009. The accelerator pedal may become wedged against the scuff plate and

become stuck in full throttle position (*NHTSA Campaign ID #: 09V462000; Daimler Trucks Campaign #: FL-570*).

A stuck accelerator pedal may increase the risk of a crash.

Daimler Trucks will notify owners and dealers will raise the accelerator pedal free of charge. The safety recall is expected to begin during Feb. 2010.

FCCC/B2/Thomas Built Buses/Saf-T Liner C2

Component: Service
Brakes, Hydraulic

Daimler Trucks is recalling up to 596 certain MY 2008 through 2010 Thomas Built Saf-T Liner C2 school buses and FCCC B2 chassis manufactured from Oct. 1, 2007 through Aug. 10, 2009, equipped with Cummins ISB CM2150 J1939/1587 engine control unit, Bosch hydraulic pin-slide front brakes, and Webasto 17K BTU coolant heater. The front right hand crossover brake line may have been secured using shorter offset than specified clamps potentially allowing the brake line to rub on the surrounding components. This may lead to a brake fluid leak (*NHTSA Campaign ID #: 09V460000; Daimler Trucks Campaign ID #: FL-568*).

Continued contact between the brake line and the surrounding components may lead to a loss of brake fluid and reduce

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Recent Recalls

braking performance potentially resulting in a vehicle crash.

Daimler Trucks will notify owners. Dealers will inspect the units and clamps with shorter offset than specified will be replaced with longer offset clamps. Any brake lines found to be damaged will be replaced. Repairs will be done free of charge. The safety recall is expected to begin during Jan. 2010.

FCCC/B2/Thomas Built Buses/Saf-T Liner C2

Component: Suspension: Rear

Daimler Trucks is recalling up to 3739 certain MY 2008 through 2011 Thomas Built Saf-T Liner C2 school buses and FCCC B2 chassis manufactured from June 1, 2007 through Sept. 28, 2009. Fasteners used to connect the rear suspension spring to the suspension hanger bracket may not have been torqued to specification. Under torqued fasteners may become loose and potentially fall out (*NHTSA Campaign ID #: 09V458000; Daimler Trucks Campaign ID #: FL-567*).

Loose or missing fasteners may allow the rear suspension to become misaligned, increasing the risk of a crash.

Dealers will inspect and adjust the fasteners as required. Damaged fasteners will be replaced. Repairs will be made free of charge. The safety recall

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is expected to begin during Feb. 2010.

Thomas Built Buses/Saf-T Liner C2

Component: Service Brakes, Hydraulic: Pedals and Linkages

Daimler Trucks is recalling up to 6206 certain MY 2006 through 2011 Thomas Built Saf-T Liner C2 school buses built on FCCC B2 chassis manufactured from Oct. 15, 2004 through Nov. 25, 2009, equipped with Kongsberg Automotive adjustable brake pedals. The adjustable brake pedal arm may loosen allowing the arm to rotate around its shaft and swing in front of the accelerator pedal, reducing braking function (*NHTSA Campaign ID# 09V461000; Daimler Trucks Campaign #: FL-569*).

A loose brake pedal increases the risk of a crash.

The manufacturer has not yet provided the agency with a remedy plan and notification schedule. We will report on this when it becomes available.

For these four Thomas Built recalls, owners may contact Daimler Trucks toll-free at 1-800-547-0712 or the NHTSA's vehicle safety hotline at 1-888-327-4236 (TTY 1-800-424-9153), www.safercar.gov.

Source: NHTSA's Office of Defects Investigation

Schulthess Named Recipient of American Logistics Scholarship

Betsy Schulthess, Transportation Safety Coordinator, CUSD #303, St. Charles, IL, was announced as the recipient of the 2nd Annual American Logistics Scholarship to attend the 19th National Conference & Exhibition on Transporting Students with Disabilities & Preschoolers in Orlando, Fla. March 5-10, 2010. Schulthess, a certified child passenger safety technician, is responsible for the safety and security of 14,650 students and 140 drivers and assistants. She is in charge of "all special education safety requirements on all the special ed buses," and oversees bus evacuation drills for the 17 schools in the district, according to District Transportation Director Blanca N. Sounders. In her application for the scholarship, Ms Schulthess noted that "It is my focus, a passion, to relate/understand/learn/practice/educate for all the right reasons...I want to be the best for myself and the community I service."

The goal of the American Logistics Scholarship is "to help develop the next generation of leaders in special needs transportation, foster dissemination of knowledge about best practices, and enhance practitioner involvement in the creation of usable knowledge related to special needs transportation."

Source: EduPro Group press release, Nov. 2009

Child Safety Restraint Systems • NHTSA Offers Training Opportunities

At the National Association of State Directors of Pupil Transportation Services (NAS-DPTS) Annual Conference last month, Leah Walton, pupil transportation and pedestrian program manager for the NHTSA, reported that NHTSA will offer two new training opportunities focused on passenger safety restraint systems.

The first opportunity is an eight-hour training course that will be distributed to state transportation directors. The goal of this training is to equip drivers and aides with information to help them properly use different types of restraint systems. It is anticipated that this course will be delivered in the summer of 2010.

The NHTSA will deliver the instructor manuals and student handbooks to state directors of transportation on a CD-ROM, along with one hard copy. A Child Passenger Safety (CPS) Technician should teach the training session. Walton advises that school bus personnel with

engineering and technical expertise about buses co-teach the course with the CPS Technician. This will allow the training to be more comprehensive. Walton also recommends contacting your state's highway safety office to find out who is certified as a CPS Technician in your area.

In addition, the NHTSA also has plans to release a 20-minute video that summarizes what has been taught in the eight-hour training. This video, which should be available in Spring 2011, would cover the following areas:

- Proper installation of 3-4 types of child safety restraint systems on a bus
- Proper placement of a child in each child safety restraint system
- Visual demonstrations for different types of seats including: safety vests, forward facing safety seats, rear facing safety seats, latch secured seats

Guidelines Available Online

In the meantime, the NHTSA has posted guidelines for child safety restraint systems at the following webpage: www.nhtsa.dot.gov/people/injury/buses/busseatbelt/index.html. For example, the chart below can be used to evaluate whether or not the right system is being used for each child.

Once the correct seat has been determined, drivers can use the website to access pictures of proper and improper use that are posted for children over and under 20 pounds.

In addition, a checklist posted on the website might be useful for drivers. It poses questions like:

- Has each harness strap been checked for safety clips?
- Has the driver reviewed the manufacturer's instructions for the system? Is there a copy available on the bus?
- Has the driver placed all of his/her weight into the seat and kneeling to ensure a tight fit on to the bus seat?
- Has the driver practiced with the system before seating children?
- Is the harness snugly buckled around the child?

By Vanessa L. Strickley

| | Rear-Facing | | Forward-Facing | |
|-------------------------------|--------------------------------|-------------------------|----------------|--|
| | To at least 1 year & 20 pounds | Over 1 year & 20 pounds | Over 40 pounds | |
| Infant only seat | X | | | |
| Convertible | X | X | | |
| Integrated | X | X | X | |
| Forward-facing only | | X | X | |
| Booster with built in harness | | X | | |
| Safety Vest | | X | X | |