

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS**

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April 22, 2015

Tina Shockley  
Education Associate – Policy Advisor  
Department of Education  
401 Federal Street, Suite 2  
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**RE: 18 DE Reg. 759/14 DE Admin. Code 1105 [DOE Proposed School Transportation Regulation (April 1, 2015)]**

Dear Ms. Shockley:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt some discrete amendments to its regulation covering school transportation. The synopsis (p. 760) indicates that the amendments are prompted by changes in the Delaware Code in the following contexts: 1) maximum age of school bus; 2) criminal background checks for drivers and aides; 3) in-service training for drivers and aides; 4) annual physical for school bus aids; and 5) district disbursements. The GACEC would like to share the following observations.

First, it is difficult to determine which standards apply to charter schools. For example, §2.1 indicates that charter schools and districts are responsible for implementing a list of responsibilities. However, the list in some cases literally only applies to districts. See, e.g., §§2.1.7, 2.1.8, 2.1.13, 2.1.17. Criminal background checks and/or in-service training are apparently not required for charter school bus aides (§§2.1.8, 7.1.2.2, 7.1.3, 7.1.5, 7.1.6, 7.1.7, and 7.2.) This conflicts with 14 DE Admin Code 745.3.1. Criminal background checks are apparently not required for charter school bus drivers (§§6.8.4 and 6.8.6). This also conflicts with 14 DE Admin Code 745.3.1. Safety standards (§9.1) do not apply to charter schools. Transportation benefit standards sometimes only refer to districts (§§11.1, 11.3, 11.6.1) and sometimes include charter schools (§§11.9, 12.2.1.1, and 12.6.2). Standards requiring bi-annual re-inspections by the Division of Motor Vehicles (DMV) do not apply to charter school buses (§21.0).

Second, in §2.1.16, DOE may wish to define 'significant'.

Third, there is some tension between §§5.3.2 and 5.5.2. The former requires new applicants for CDSBD trainers to “not have more than three (3) points in the past three years”. The latter requires renewing CDSBD trainers to have “no more than three (3) points on their driving record”. Thus, the standard for recertification is more liberal than the standard for initial qualification. It is possible that this is intentional but the DOE may wish to evaluate the justification for maintaining different standards.

Fourth, the regulation periodically capitalizes “district”. See, e.g., §§6.8.6 and 9.1. The DOE may wish to review the regulation to ensure uniformity in references.

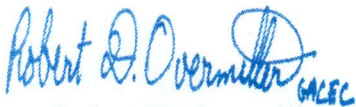
Fifth, in 6.8.6, Council asks that DOE consider modifying the language to clearly require the driver to provide a copy of the letter from the DMV to the public school or district.

Sixth, the grammar in §7.1.2.2 is incorrect. In the first sentence, consider deleting “be sent”.

Seventh, the regulation is inconsistent in sometimes authorizing supports based on an IEP or Section 504 plan and sometimes only authorizing supports based on an IEP (excluding a Section 504 plan). Compare §§9.16, 17.1.7, and 22.1. Transportation is a related service under Section 504 and includes transportation to and from residential programs. See 34 C.F.R §§104.33( c).

Thank you for your consideration of our observations. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Handwritten signature of Robert D. Overmiller in blue ink, with the acronym "GACEC" written in smaller letters below the signature.

Robert D. Overmiller  
Chairperson

RDO:kpc

CC: The Honorable Mark Murphy, Secretary of Education  
Dr. Teri Quinn Gray, State Board of Education  
Mr. Chris Kenton, Professional Standards Board  
Susan Haberstroh, Department of Education  
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