From the State Director

This message begins with the bearing of sad news. After many years of fatality-free transportation in Illinois, this school year began with an unfortunate school bus crash that left one student dead and one in critical condition. My heart goes out to the families, school district, bus driver and friends of those involved in this tragedy. However, in spite of the loss that we have experienced, school bus transportation remains the safest form of ground transportation in this nation. Past experience and research shows, in spite of all the emotional outcries for lap belts on school buses, that lap belts alone on school buses are not a safe option and could cause additional death or injuries to students in a school bus crash. While I do not intend to use this message as a forum of debate on this issue, I do want to remind all involved in pupil transportation of the awesome responsibility we have for getting students to and from school safely. I have the greatest admiration and respect for the transportation industry, districts and school bus contractors in continuing their efforts to provide safe transportation. As this may be my last newsletter before my retirement February 29, 2004, I want to encourage all of you to continue to put your best efforts forward, in these times of budget shortfalls and layoffs, to continue to provide safe transportation. I will leave you with this thought: *Trying times are not the times to stop trying.* (Ray Owen)

Alvida Petro
State Director of Pupil Transportation

The following information is being provided to update you on legislative and pupil transportation safety issues. Please share this information with everyone involved in pupil transportation.

**ILLINOIS COMMERCE COMMISION**

The Illinois Commerce Commission rail safety section has statutory responsibility to improve safety at the over 8,200 public highway/railroad crossings in the state. It responds to informal and formal citizen, highway agency, industry, public officials and legislative complaints concerning highway-rail safety issues.

The primary issues your drivers might encounter would be the following:
Visibility restrictions- crossings in which visibility is impaired because of brush and other non-fixed structures. The railroad has a responsibility to keep its rights-of-way free and clear of obstructions so drivers may be able to see approaching trains. This comes from 92 ILLINOIS ADMINISTRATIVE CODE Section 1535.205 which states “Every railroad shall keep its right-of-way adjacent to its tracks reasonably clear of brush, shrubbery, trees, weeds, crops and all other unnecessary permanent obstructions such as unauthorized signs and billboards for a distance of at least five hundred feet each way from every grade crossing where such things would materially obscure the view of approaching trains to travelers on the highway.”

Rough Crossings- Crossings your drivers may encounter that are in poor condition may also be called in. The railroad is responsible for keeping them in good condition. As referenced in Section 1535.203, “Every grade crossing shall be constructed and maintained in such manner that it will not interfere with the reasonably safe use of the roadway when traveled in the usual or ordinary manner.”

Should they encounter these situations we encourage them to contact the office for follow up and resolution, 217-782-7660 or via the internet at www.icc.state.il.us then go to transportation, then to RR safety at the top, scroll to consumers service (filing a complaint) click on it, and the form comes up.

Your involvement in this process now gives you a direct contact with those responsible for handling safety concerns on and around railroad crossings and rights–of-way. By taking the time to make the call or fill out the complaint form, we are all making the transporting of our most precious commodities a safer one.

SUMMARY OF LEGISLATION

While the following was provided to Illinois school bus operators by the Illinois Department of Transportation, it is being repeated to ensure that everyone has the latest in legislative updates.

Public Act 93-0180, effective July 11, 2003, makes it unlawful to pass a school bus stopped to receive or discharge passengers at any location. Many in the school transportation industry applied the former statute in this way; however, this statutory change removes any doubt as to when motorists must stop.
Public Act 93-0181, effective January 1, 2004, will allow school bus headlights to alternately flash when the 8-way system is activated. This statutory change is meant to provide school buses increased visibility to motorists approaching from the front.

Public Act 93-0100, effective January 1, 2004, makes changes to the Child Passenger Protection Act. Children under the age of eight will now have to be secured in an appropriate child restraint system. Child restraint system means any device that meets the standards of the United States Department of Transportation designed to restrain, seat or position children and also includes a booster seat. A child weighing 40 pounds or more may be transported in the back seat of a vehicle while wearing only a lap belt if the back seat is not equipped with a combination lap and shoulder belt.

Student transportation providers need to remember that the Child Passenger Protection Act applies only to non-commercial vehicles of the first division, motor vehicles of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle operated on the roadways, streets or highways of Illinois. Any person who transports the child of another shall not be in violation unless a child restraint system was provided by the parent or legal guardian but not used to transport the child.

Public Act 93-0099, effective July 3, 2003, makes Illinois a primary safety belt enforcement state. Law enforcement officers can now stop and issue citations for safety belt violations without first observing some other violation.

As a primary safety belt enforcement state, Illinois now becomes eligible to receive additional federal grant money. Some of that money may be utilized to better educate driver education students concerning the safety benefits of wearing safety belts.

Carpenter school buses manufactured between 1986 and 1996 at their Mitchell, Indiana plant have been found to have cracked or broken welds in the roof structure. The Department has initiated mailings identifying this problem with recommended remedies. A national recall is not possible since Carpenter is out of business.

Additional questions on any of these items can be directed to Tony Klasing at the Illinois Department of Transportation, Division of Traffic Safety, at 217/785-1181.
One of the most important responsibilities of a school bus driver is walking the school bus at the end of the bus route to ensure that there are no children left on board. The task takes a few seconds to do, but the benefits far outweigh any inconvenience that a driver might experience in doing the task. In Illinois, there have been at least four reports of school bus drivers leaving a child on a school at the end of the route since the start of the 2003-2004 school year. District or school bus contractor policies should address failure to walk the school bus at the end of the route as grounds for immediate dismissal. Leaving a child on the school bus can be prosecuted as abandonment of children by bus drivers and endangering the health of a child. This is a Class 4 felony, if found guilty, and subject to fine and imprisonment. Not only is this subject included in the initial classroom training for new school bus drivers, it is a topic for discussion in the annual school bus driver refresher classes. Many districts and sales people talk about the importance of safety buzzers and whistles on school buses to alert drivers to do their walk through; however, drivers have been very creative in finding ways to circumvent the safety devices installed on school buses.

There is no substitute for training, both school bus drivers and bus-riding students. The school bus is the safest form of ground transportation in the nation, but a school bus driver will still leave a child on the bus or hit one of his/her own passengers after the child has exited the school bus. The Danger Zone is where the majority of children (primarily ages 5-7) are killed in school-bus related fatalities, not in the school bus. Money spent to put unneeded safety bells and whistles on school buses could be better spent on the education and training of school bus drivers and bus-riding students.

DESIGNATED WALKING PATHS FOR STUDENTS

Many questions have been asked, by both parents and school district superintendents, about what constitutes an approved walking path designated by districts to meet their requirement, under Section 29-3 of the School Code, to provide free transportation to pupils who reside over 1.5 miles from their assigned attendance centers. Based upon State Board of Education legal opinion, the following is provided to clarify some questions.

If the pupil lives within 1.5 miles from school, the district has no duty to provide transportation because the pupil can reasonably be expected to walk to and from school. In defining a district’s duty to provide
transportation, there is no reason why a pupil should not be expected to walk up to 1.5 miles on a “normally traveled” walking path as apposed to walking along a thoroughfare carrying vehicular traffic. Walking a footpath will, in most cases, be safer than walking alongside—or even in—vehicular traffic. Therefore, the State Board believes that a “normally traveled” walking path which is open to the public is considered a “road” for purposes of Section 29-3 of the School Code; and that such a walking path should be used in measuring the distance from a pupil’s home to school for the purpose of determining whether the pupil lives 1.5 miles or more from school.

A path would be considered to be “normally traveled” if it is open to, and used by, the general public for pedestrian travel throughout the school year so that students can use the path when walking to and from school. A path that is frequently impassable and not used by the public during the winter months because of drifting snow would not be a “normally traveled” route that students could be expected to use going to and coming from school.

This information has been provided in legal opinions from the State Board of Education.

EATING ON A SCHOOL BUS

No eating is allowed on a school bus. This includes the school bus driver. No, it is not a law or in administrative rule. It is a long-standing safety practice that has been in force for many years. It is not new! It is item #11 of the Instructions to School Bus Riders that every district and school transportation provider has, and which appears in the Illinois School Bus Driver Training Curriculum that every school bus driver has received from their initial and refresher training courses. Eating is not allowed on buses used for school trips. The reality is that every child on the bus has, at some point in time, eaten while on the bus. The reality is that some of these children have been given Heimlich maneuver to remove the object from their throats because they were choking. The primary responsibility of the school bus driver is to transport children to and from school, between attendance centers or on extra-curricular or interscholastic trips safely. To do that, the driver must keep his/her eyes on the road, mindful of the movement of traffic around the school bus. The driver also has responsibility to control the conduct of the students on the bus. The close-spaced, high seat
backs prevent the driver from seeing all of the activities of the students on the bus, including eating. Depending on the circumstances, the driver may not be able to reach a child in time to prevent the child from choking to death. Coaches or other teachers or chaperones on extra-curricular trips are not necessarily certified to administer first aid in an emergency. The driver is ultimately responsible for what happens on the school bus. If students are on a trip and eating is scheduled on the way, the bus must be stopped long enough for students to safely eat and the bus to be cleaned of trash. The no eating on the school bus policy will remain in effect.

WHERE TO FIND THE LATEST PUPIL TRANSPORTATION INFORMATION

Into the 21st Century, more and more information is being found and sent by electronic process. As money becomes scarce, budgets shrink and staff are downsized, and the need to provide information instantly and efficiently is needed. There will still be a need for some documents to be printed and sent via the U.S. Mail, etc., but the majority of information on pupil transportation can be found on existing websites. Below are existing websites that provide a wealth of resources for just about every pupil transportation need. You may want to add them to your “favorites” listing so that you will have instant access as you go through your busy day.

State Board of Education
www.isbe.net

National Association of State Directors of Pupil Transportation Services
www.nasdpts.org

National Highway Traffic Safety Administration
www.nhtsa.dot.gov

The following list of websites on special education was prepared by Linda Bluth, Branch Chief, Community & Interagency Services, Division of Specialty Education/Early Intervention Service, Maryland Department of Education (410) 767-0264.

National Associations/Councils

Council of Greater City Schools (CGCS)
http://www.cgcs.org/

National Association for Pupil Transportation (NAPT)
http://www.napt.org/

National Association of State Directors of Pupil Transportation (NASDPTS)
http://www.nasdpts.org/.

National Association of State Directors of Special Education (NASDSE)
http://www.nasdse.org/

National Safety Council (NSC)
http://www.nsc.org/

National School Boards Association (NSBA)
http://www.nsba.org/

National School Transportation Association (NSTA)
http://www.schooltrans.com/

**Special Education**

National Information Center for children and Youth with Disabilities (NICHCY)
http://www.nichcy.org/index.html

Office of Civil Rights (OCR)

U. S. Department of Education
http://www.ed.gov/offices/OCR

Office of Special Education and Rehabilitative Services (SERS)
http://www.ed.gov/offices/OSERS/index.html

Office of Special education Programs, US Department of Education (OSEP)
http://www.ed.gov/offices/OSERS/OSERP/index.html

**SPECIAL EDUCATION PUBLICATIONS**

A Guide to the Individualized Education Program

Discipline Overheads (Free)
IDEA TOPICAL PUBLICATIONS

http://www.ideapractices.org/idearegsmainTopicIndex.html

The Individuals with Disabilities Education Act Amendments of 1197
http://www.dec-spied.org/IDEA/sld001.html

TRANSPORTATION TRADE PUBLICATIONS

School Bus Fleet (SBF)
http://www.schoolbusfleet.com

School Transportation News (STN)
http://www.stnonline.com

TRANSPORTATION WITH A SPECIAL NEEDS LINK

AAA Foundation for Traffic Safety
http://aaafts.org/

American Academy of Pediatrics
http://www.aap.org/

EDLAW Center, Inc.
http://www.edlaw.net/top1f.html

National Association of Governor’s Highway Safety Representatives
http://www.naghsr.org/

National Highway Traffic Safety Administration (NHTSA)
http://www.nhtsa.dot.gov

Pupil Transportation Safety Institute (PTSI)
http://www.ptsi.org/

Rehabilitation Engineering Research Center on Wheeled Mobility
http://www.rerc.upmc.edu/

U.S. Department of Transportation (USDOT)
http://www.dot.gov/