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100 North First Street
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MODES OF SCHOOL TRANSPORTATION TASK FORCE

September 26, 2017

CALL TO ORDER

The meeting was called to order at 9:03 am by Chair Tim Imler and roll was taken.

ROLL CALL

Present (Springfield and Chicago):

Derek Cantu ,Policy Analyst Assistant, Illinois Lt. Governor Sanguinetti's Office;
Dan Cox, Superintendent, Staunton Community Unit School District #6;
Rep Fred Crespo, Illinois State Representative, 44th District;
Brenda Glahn, Legal Advisor, Illinois Secretary of State;
Tim Imler, Division Administrator, Funding and Disbursement Services ISBE
Patrick Johnson, President, Illinois State Transportation Association
John Meixner, Regional Superintendent of Schools, ROE #26
Tom Tully, Secretary/Treasurer, Illinois Education Association
Tom Wise, Acting Section Chief, Illinois Department of Transportation, Commercial Vehicle Safety Section;
Travis Wyatt, Assistant Superintendent, Jasper County School District.

Conference Call:

Rep Dan Brady, Illinois State Representative, 105th District;
Melissa Burns, Administrator, Acacia Academy;
Jeff Dosier, Superintendent, Belleville Township High School District #201;
Rich Hodson, Physics Instructor, Belleville East High School.

Absent:

Vicki Giurlani, Director of Transportation, Round Lake Area School District 116
Rob Rodewald, Board President, Bourbonnais SD #53

ISBE Staff:

Mark Morten
Mike Stier
Jill Bayley

Guests:

Robert Wolfe (Springfield), Chief Financial Officer, ISBE;
Cathy Allen (Springfield), Illinois Department of Transportation;
Kevin Duesterhaus (Springfield), Manager of CDL Division, Illinois Secretary of State;
Charlie Hood (Chicago), Executive Director, NASDPTS;
Andrew Bodewes (Conference Call), Cook Illinois Corporation, Student Transportation;
Chris Ganschow (Chicago), Illinois State Transportation Association;
Charlie Simple (Conference Call), Member of IAPT, Transportation Director of Teutopolis Unit #50.

Chair Tim Imler stated that the task force has 21 members, 16 of which are filled to date. Chair Tim Imler also stated that everyone needed to have their ethics training certificate (pg. 39) sent to Missy Buschon and their OMA (Open Meeting Acts) certificate sent to Jill Bayley.

Chair Tim Imler went over the materials that were in everyone's binders. After reviewing the task force bylaws, Chair Tim Imler asked if there were any questions and/or changes that needed to be made. Hearing none, he asked for a motion to adopt the bylaws. Brenda Glahn made the motion ; Tom Tully seconded the motion. The motion passed and the bylaws were adopted.

The public participation guidelines were then reviewed by the task force. Chair Tim Imler asked if there were any questions. Hearing none, he asked for a motion to adopt the policy. Travis Wyatt made the motion; Tom Tully seconded the motion. The motion passed and the public participation policy was adopted.

Objective

Chair Tim Imler made a statement about the purpose of the Modes of School Transportation Task Force (MSTTF) and what the objective should be during the next four meetings. The purpose of today's meeting is to review the existing State and Federal laws regarding the use of various modes of transportation for elementary and secondary students and do a thorough review of the vehicles that can be used and when for pupil transportation.

The Task Force consists of 21 members with the chair appointed by the State Superintendent of Education and sets forth the following provisions concerning the members of the task force:

- 1) conduct a thorough review of existing State and federal law regarding the use of the various modes to transport elementary and secondary education students;
- 2) develop concise and consistent information to be considered for use by the State Board of Education, the Department of Transportation, and the Secretary of State to the public about the legal means by which elementary and secondary education students may be transported, including, but not limited to:
 - (A) the type of vehicle and the required equipment to transport elementary and secondary education students;
 - (B) the allowed purpose of the transportation and any other limits of transportation of elementary and secondary education students by vehicle;
 - (C) the type of driver's license required to transport elementary and secondary education students; and
 - (D) the requirements for driver licensing and vehicle incensing and inspection; and
- 3) make recommendations to the State Board of Education and the General Assembly regarding the safe transportation of elementary and secondary education students in our State; and shall seek input from stakeholders and members of the public on the issues to be reviewed and reported on by the Task Force.

The Task Force shall meet at the request Task Force Chair, but shall meet a minimum of 4 times prior to December 15, 2017; and shall present its legislative and administrative recommendations to the Governor and the General Assembly no later than December 15, 2017 and, upon filling its report, the review committee is dissolved.

Discussion:

There are several different transportation routes. The different type of transportation route determines the type of vehicle used. A regular route is for the purpose of transporting pupils between school and home or between schools when attendance is required at a location other than the pupil's assigned school so they can receive education services of the school district required as part of the pupil's five daily clock hours of school work (including curriculum-related trips). The most common regular routes are those between home and school. However, there are other types of routes that are considered regular such as tripper or shuttle service between schools, to vocational/career center, other trade-skill-development sites a regional safe school or other school sponsored alternative learning program.

Curriculum related field trip is a trip that is provided free of charge and directly related to the regular curriculum of a pupil for which they earn credit for graduation and occurs during their required five clock hours of instruction. The location of the field trip is considered to be an alternative attendance center.

Extra-curricular/co-curricular activity trips are trips driven to transport pupils following voluntary extra-curricular and/or co-curricular activities, including sports practices, club meetings, drama rehearsals or choral and band practices immediately preceding or following the school day.

School sponsored activity trips are trips that are a school sponsored activity such as interscholastic, interscholastic athletic or any other school sponsored non-curriculum related activity trip that does not require pupil participation as part of the education services of the district, as part of the pupil's regular class for credit schedule and the required five clock hours of instruction. Representative Dan Brady asked the question of what the difference is between extra circular and school sponsored activities. Chair Tim Imler responded that a school sponsored activity is the pupil's elective to participate in that activity and the extra circular activity is usually a graded instruction. Robert Wolfe further explained that first activity would be if the school district elects to provide an early run from home to school for the activity or a late run. After school activity, the school district may elect to provide from school to door transportation that would be considered a late run and it would be a route that is reimbursable for regular transportation reimbursement. The second activity are those activities that transport students from the school to the activity, whether it be to another school district or the back and forth transportation from the site of that activity.

First division vehicles are defined in the Illinois Vehicle Code as motor vehicles designed to carry no more than 10 persons, including the driver. . Examples of first division vehicles include cars, stations wagons, mini vans, or taxi cabs. The manufacturer sticker is located on the inside of the driver's side door. First Division vehicles are permitted for regular transportation but it would not be the first option but used as an alternative if a school bus is not an option. The yellow school bus is the safest for pupil transportation K-12.

Parents or legal guardians transporting only their own child for a school district must have a current and properly classified driver's license but do not need a School Bus Driver's permit. Drivers other than parents or legal guardians transporting pupils in grades 12 or below for a school district must possess a valid School Bus

Driver's Permit that is issued by the Illinois Secretary of State. Charlie Hood asked the question that vehicles with MPV plates or passenger certifications if that would include a light truck, specifically a Ford F-150 that might be used to carry students on a curricular trip to a job site for like an agricultural program. Cathy Allen stated that a truck would be considered a Second Division vehicle. The Illinois Vehicle Code states it would not be a First Division vehicle because of the bed of the truck is used to haul property, freight or cargo. Illinois Code 1-217.

Second Division vehicles are defined as motor vehicles designed for carrying more than 10 person, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo. The most common is the yellow school bus. Only school buses can be painted national school bus glossy yellow. Charlie Hood stated that he is aware that in every state the school buses are painted the glossy yellow for regular routes. On the Federal level, multifunction school activity bus is defined as a school bus. Charlie Hood stated that a multifunction school activity bus must meet all school bus requirements with the exception of the traffic control devices, such as the amber and red flashing lights and stop arms, are exempt from having those on their bus. National school bus yellow is not a Federal requirement but that then becomes a state issue as to what color those buses may be white or yellow. Multifunction school activity buses can be any color except the glossy yellow. White activity buses do not have to be white. A bus owned and operated by a religious organization that is used in connection with a school, must be national school bus glossy yellow. If the bus is used for a religious organization only, then the color cannot be national school bus glossy yellow. The question arose if this was the evidence in every case? Cathy Allen responded that if they are a school and a church, they would have to use the yellow school bus for their school and that they can also use the yellow school bus for their church but for the school, they have to use the yellow school bus. Chair Tim Imler asked that if a church is using a bus to transport students to school, does it have to be yellow? Cathy Allen said yes, but said she sees vehicles that are not yellow and should be. Brenda Glahn stated that they could use a non-school bus if they were transporting parishioners to a concert. Cathy Allen also stated that the Board of Ed regulates public schools and private schools are regulated by liability concerns because they do not have to deal with reimbursements and if they choose to use the wrong vehicle, it is a liability concern in the end. Chair Tim Imler asked Melissa Burns to comment on her experience for non-public special ed for those that operate to and from school and do they use the yellow school bus. Melissa Burns stated that in her situation, they do not ever do drop off or pickup for a normal route so they do not use the yellow school bus. Cathy Allen stated that for curriculum related they have to use the yellow school bus. Chair Tim Imler stated that if you are a non-public, religious or private school and are using a vehicle for school related purposes, you must use a yellow school bus. Chair Tim Imler stated that he does not think this is happening. John Mexiner stated that there are some private schools that he knows that do not use the yellow school bus, but that they are only governed by liability insurance companies. Chair Tim Imler stated that someone from the non-public parochial school community either needs to be present or aware about participating in these meetings because the decisions that come out of this committee affects them too. These schools need to know what type of vehicles, color and licensure can be used. Kevin Duesterhaus stated that MFSAB's can be used by private or school districts, grades 9-12, for curricular activities but not school to home or home to school. Melissa Burns stated that when speaking to a lot of non-public schools, they do not know accurate regulations, which is concerning. Chair Tim Imler stated that MFSAB's may be used for curricular related school activities except home to school and school to home for pupils in grades 9-12 only. Melissa Burns stated that some of the confusion is that for elementary grades they can use these vehicles for non-curricular but not curricular. Cathy Allen stated that these private schools are still using the 15-passenger vans. Chair Tim Imler stated that the law was changed for the 11-15 passenger vans that were used for non-curricular or extracurricular activities. The Federal government had done studies that they were subject to rollover in tests so they were considered unsafe. Therefore, they moved to eliminate use of the 11-15 passenger vans for any activity and replaced (in school code and vehicle code) them with a multifunction activity bus for these type of trips. No

school should be using a 11-15 passenger van for any type of pupil transportation. Cathy Allen stated that they cannot use shuttle buses, like the airport shuttle buses. Charlie Hood stated that the Feds only regulate the sale of new manufactured vehicles so a dealership cannot knowingly sell a vehicle to a school for significant use to transport students to and from school events if it is a 15-passenger van, which is considered a bus by the Feds. There are some Ford vehicles that actually say on the vehicle certification plate bus (not school bus) on them. In 2005, the Federal government told schools that they may not knowingly purchase a new or newly leased van, 15 persons or less van, including the driver. There was a question asked in regards to first division vehicles that if a student is on a curricular related field trip and needs to leave early, can a first division vehicle be used and it can be used if the driver has a school bus permit.

The definition of an Illinois school bus means every motor vehicle, except a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route, motor vehicle of the First Division or a multifunction school activity bus, are owned or operated by or for any of the following entities for the transportation of person regularly enrolled as pupils in grade 12 or below in connection with any activity of such entity: public or private primary or secondary school; primary or secondary school operated by a religious institution; or any public, private or religious nursery school. Cathy Allen stated that the public or private nursery school was a term used by DCF but are now referred to as licensed daycare facilities and according to 12-806A, a child care facility can use a school bus, but do not have to. Daycare facilities can use any vehicle they want to. Charlie Hood stated that the Feds govern the sale on non-conforming vans, 15 passenger, does extend to pre-primary, primary and secondary.

In July 2003, the National Highway Traffic and Safety Administration (NHTSA) defined a new class of school bus, the "Multifunction School Activity Bus" (MFSAB) which was defined as a vehicle that is sold for purposes that do not include transportation between home and school for pupils from kindergarten through grade 12. NHTSA promoted this vehicle to serve as a safe choice for institutions, including school districts that have a need to transport groups of people. A particular safety benefit was that the MFSAB was a safer alternative to transporting 11 to 15 passengers instead of the 15-passenger vans that had been used in the past. The Illinois Vehicle Code defines a multifunction school activity bus (MFSAB) as a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in color, identification, stop signal arm and special lighting equipment (Sections 12-801, 12-803 and 12-805 and subsection (a) of Section 12-802). They cannot be used from home to school and school to home. Charlie Hood stated that the Feds do not regulate usage. In July 2012, all MFSABs must have a crossing arm, strobe light, first aid kit and fire extinguisher. When using a MFSAB, it is restricted to non-curricular or curricular for grades 9-12. There is also the question if the white activity buses are required to stop at railroad crossings. Yellow school buses must stop and open their door at all railroad crossings. Cathy Allen stated that the law does not require the MFSAB to stop at railroad crossings but an IDOT attorney said, in writing, because the definition of a MFSAB starts with the word "a school bus" his interpretation was that it should stop at railroad crossings. A school bus driver's permit is not necessary to drive a MFSAB unless for curricular reasons.

MFSABs may be used for curricular related school activities except home to school and school to home transportation for pupils in grades 9-12 and students in any grade K-12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5 attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization or New Horizon Academy. Robert Wolfe stated that there would be educational development skills that are part of the IEPs and education entities are taking these students out beyond the school walls for like skill developments and transportation was required to go to restaurants, Walgreens, grocery stores, etc. Brenda Glahn further stated that legislatively when the MFSABs replaced the

11-15 passenger vans, it was supposed to be a one for one that MFSABs were to be used for non-curricular activities only and there was confusion and misunderstandings. Some schools started purchasing MFSBs for curricular related purposes, unaware that they were not allowed to do that. There were many private schools approaching their Senators and Representatives stating that they had spent all of this money to purchase these buses and now they were being told that they were unable to use them for purposes for which they bought them. Every year very broad legislation would be introduced for allowing for the use of the MFSABs to be used for curricular related activities and there may have been one that would allow home to school and school to home and over the course of years, it got more and more narrowly tailored. It would not pass, when they were being able to use them for almost anything and so that is how we first got to limit it to the 9-12 students because they were older and more safety conscientious but there was still the problem of students with IEPs that needed to get out in the community. They had also purchased these buses and wanted to use them for that activity and that is how we got to this narrow exception and it was limited in scope to try to garner support in the general assembly so it wasn't as broad. Therefore, this is how we got these strange exceptions.

Next Steps:

Chair Tim Imler discussed what the next steps should be for the meeting on October 19, 2017. He said he wanted someone to talk about licensure/inspections. Brenda Glahn stated that she would not be at the meeting on October 19, 2017 but she would have Carrie Leitner from the Illinois Secretary of State, Vehicle Services Department, to discuss all of the different types of requirements for licensure for the different modes of school transportation vehicles. There will also be a presentation from Tom Wise and Cathy Allen from the Illinois Department of Transportation. Chair Tim Imler also stated that it would be nice to have someone from a bus manufacturer and/or dealership attend one of the meetings in the future.

Public Comment:

None.

Adjournment:

The meeting was adjourned at 11:53 am by Chair Tim Imler. The next MSTTF meeting is Thursday, October 19, 2017.