

M I N U T E S

SPECIAL COMMITTEE ON EDUCATION

September 16, 1975

The Chairman, Representative Sellers, presided. All members were present except Representative Luzzati (excused).

Staff persons in attendance included Ben Barrett from the Legislative Research Department, Avis Badke from the Revisor of Statutes' Office and Dale Dennis, Director - School Finance and Statistics Section - State Department of Education.

Conferees

Dr. Jerry Merrell, Director of Safety, Department of Transportation
Martin Freeman, Attorney, Department of Transportation
Jim Lohmeyer, Transportation Director, Junction City (USD 475)
L. D. Curran, Superintendent, Altamont (USD 506)
V. E. Skipton, Superintendent, Belleville (USD 427)
Dale Boyles, Superintendent, Cuba (USD 455)
Kenneth R. Root, Superintendent, Chapman (USD 343)

Morning Session

Proposal No. 13 - School
Bus Regulations

Dr. Merrell stated that the primary controversy regarding school bus regulations has centered around the modification requirements for Type II vehicles. These requirements are not new; they have been in existence for several years. It is the recent activities relative to enforcement of these requirements that have kindled the present controversy.

According to Department of Transportation regulations, a Type II vehicle has a capacity of 10-16 passengers. The 16-passenger upper limit is in accord with Federal Highway Safety Standard No. 17. The requirements for the 10-16 passenger vehicles are similar to those provisions for Type I vehicles (large buses), including the specifications for types of seats, strength factors, increased head room, hand rails, and other safety features which are not traffic control devices.

Dr. Merrell stated that the estimated cost of making modifications in vehicles which do not meet these standards is about \$3,000 each.

Dr. Merrell discussed the statutory authority for the Department of Transportation rules and regulations pertaining to school buses. He indicated the names of organizations which have been the most influential in establishing the equipment safety standards for school transportation vehicles, identified certain other requirements of Standard 17 now being enforced by the Safety Department, and discussed certain problems of school districts associated with making changes necessary to comply with applicable rules and regulations.

The following items were submitted by Dr. Merrell:

1. Opening comments (Attachment I).
2. Letter of August 5, 1975, to Governor Bennett concerning enforcement of standards for Type II vehicles. (Attachment II).
3. A memorandum of questions and answers containing eight frequently asked questions regarding school buses. (Attachment III).
4. A circular entitled "U.S. Department of Transportation National Highway Traffic Safety Administration, Notice TSP-917." (Attachment IV).
5. A proposed bill draft modifying the statutory definition of "school bus". (Attachment V).
6. A proposed bill draft relating to semi-annual inspections of school buses. (Attachment VI).

Discussion indicated that under present rules and regulations, school districts have no obligation to modify or identify as school buses those vehicles carrying nine passengers or less. Vehicles carrying 10-16 passengers, however, must meet the safety standards established for Type I vehicles.

There was discussion of Standard 17, indicating that some portions of the standard are mandatory and others are optional, insofar as the state administration is concerned. In response to a question, Mr. Freeman stated that the ultimate penalty for non-compliance with the Federal Highway Act is loss of the federal funds that come to the state for highway purposes. Dr. Merrell indicated he did not know how many vehicles of nine passengers or less are being used for the transportation of students. He believes the number is relatively large.

Some school districts apparently are responding to the requirements for 10-16 passenger vehicles by removing seats so that the vehicle will actually accommodate fewer than 10 passengers. Thus, such vehicles would not be subject to the regulations for 10-16 passenger vehicles. It was suggested that it might be desirable in the rules and regulations to somehow refer to the seating capacity intended in the original construction of the vehicle. In other words, if a 12-passenger vehicle had one seat removed so that it could carry only nine passengers, that vehicle, since it was originally constructed to accommodate 12, still would be subject to the rules and regulations applicable to 10-16 passenger vehicles.

There was discussion of the vehicle inspections that are performed by the Highway Patrol. These are, essentially, "walk-around" inspections. They are not thorough mechanical inspections. In Dr. Merrell's proposal for semi-annual inspections, one inspection would be a thorough mechanical inspection; the other would be the type of walk-around inspection now being performed by the Highway Patrol.

Some of the school administrators present expressed concern about the added costs of inspections and subsequent modifications. Others voiced support for an independent inspection of vehicles. One superintendent recommended that a mechanical inspection should be performed by the state.

The Junction City transportation director stated that Standard 17 now requires two inspections per year. He believed this to be a desirable requirement, though he did not support the idea of the school district itself making these inspections.

There was considerable discussion by the Committee as to whether vehicles which met applicable standards at the time they were purchased should be "grandfathered" for a period of years so that they would not be required to be modified to meet new or changed standards as they occur.

There seemed to be consensus that total compliance with Standard 17 was not feasible, at least in the reasonably near future. The states are attempting to enforce those standards

which they believe to be most appropriate in terms of the safety of children and in terms of a general effort to comply with Standard 17. As a result, there is considerable diversity among the states regarding the degree of compliance which has occurred.

Dr. Merrell stated that the statutes provide a role for the Commissioner of Education regarding approval of safety regulations. This provision is of little importance as the State Department of Education has had no capacity in recent years to give careful scrutiny to such proposed rules and regulations.

Afternoon Session

Proposal No. 13 - School Bus Regulations (Cont'd.)

Dr. Merrell presented to the Committee copies of Kansas school bus accident data for the years 1970-1974 (Attachment VII). Also, copies of a booklet pertaining to Standard 17 were distributed to the Committee.

The Committee reviewed certain statutes in Chapter 72 and Chapter 8 of the Kansas Statutes Annotated which relate to pupil transportation. There was agreement that a bill should be prepared to coordinate, as necessary, the provisions of these laws. Also, if possible, the Revisor's Office will add cross-references in the 1975 Supplements pertaining to K.S.A. 72-8315, Supp. 8-501 and Supp. 72-8301. The provisions of K.S.A. 72-8315 exclude from the definition of school bus those vehicles accommodating nine or fewer passengers. This provision is consistent with the recommendations of the Director of Highway Safety. The staff was directed to prepare a bill draft containing a "grandfather clause" for school transportation vehicles. Excluded from current regulations would be those vehicles which met the standards applicable when such vehicles were purchased. The bill will provide a six-year grace period for such vehicles before they are required to meet the new standards.

There was discussion of whether there should be some advisory group, including school district superintendents, to consult with the Department of Transportation on the development of rules and regulations pertaining to school buses. This idea was rejected.

Proposal No. 10 - Special Education

The staff reviewed data illustrating the effects of a proposed special education financing plan on school districts involved in special education coops. (This item is included in the Committee notebooks).

There was discussion that the present 1.5 mill levy for special education is inequitable among the districts in terms of the ability of districts to raise funds for financing special education programs. Such programs are, of course, mandated by the state law. It was further argued that if the 1.5 mill levy is inequitable, then the flat grant categorical aid program, likewise, is inequitable.

A motion by Senator Hess was adopted directing the staff to prepare a bill draft embodying the proposal for financing special education that has been considered by the Committee during the last two meetings. The proposal includes abolition of the 1.5 mill levy authority, the substitution of a new special education aid program for the present categorical aid program, and a required contribution by school districts for special education based upon the budget per pupil of the district times a calculated number of students (representing the district's computed share of special education students). This computed number of students would be based upon State Board of Education optimum ratios of special education personnel to students. Such ratios would be used in computing the number of students who could be served by the personnel. The proposed bill draft will be reviewed by the Committee at its next meeting.

Proposal No. 11 - Suspension and Expulsion of Students

A motion by Representative Braden, seconded by Representative Yonally, was adopted indicating that the Committee recommends to the 1976 Legislature that H.B. 2177 not be passed.

A bill draft prepared by the Revisor's Office was reviewed. The bill was designed primarily to conform Kansas law pertaining to short-term suspensions with the Supreme Court decision in Goss v. Lopez. Further, the draft provides, in cases involving extended term suspensions or expulsions, an opportunity for cross-examination of witnesses. (See Attachment VIII). A motion by Representative Anderson, seconded by Representative Bower, was adopted recommending that the proposed bill draft be recommended by the Committee to the 1976 Legislature.

The staff was directed to prepare a Committee report outlining the background of Proposal No. 11 and reflecting the action taken by the Committee regarding H.B. 2177 and the proposed bill draft amending the suspension and expulsion statutes.

Proposal No. 66 - Outdistrict
Tuition - Youth at Certain
Private Institutions

The consensus of the Committee was that the proposal for tuition payments for students of Methodist Youthville attending the Newton school district was without sufficient merit to warrant remedial legislation. The staff was directed to prepare a report describing the purpose of the study and the rationale on which the Committee based its conclusion.

Other Matters

A motion by Representative Bower, seconded by Representative Yonally was adopted approving the minutes of the previous meeting.

The next meeting of the Committee is on October 23 and 24, in Room 510 of the State House.

The meeting was adjourned.

Prepared by Ben F. Barrett

Approved by Committee on:

10/23/75
(Date)

I appreciate the opportunity to appear before this committee. In our last meeting several questions were raised and left unanswered. Our purpose in being here today is to answer these questions, and to propose new legislation as well as legislative changes in the area of school bus transportation.

The primary controversy in the area of school bus transportation today goes to the modification requirement for Type II vehicles. This requirement is not a new requirement, but instead is more than five years old. The enforcement of this requirement, however, is a result of a new posture taken by the Safety Department.

A Type II vehicle, as defined by the Safety Department in its administrative regulation is any vehicle with a capacity of carrying between ten and sixteen passengers. This delineation is in accord with Federal Standard 17.

The modification required by regulation, in addition to the safety equipment called out for large buses, specifies the types of seats, strength factors for the sides of the bus, increased head room, step measurements and hand rails, and many other safety factors which are not traffic control measures.

The necessity of these safety devices cannot be measured in dollars. Although, these modifications may cost as little as \$3,000 extra per vehicle, it provides much in the way of added protection to school students. Anyone watching a recent broadcast of a school bus collision on "Sixty Minutes" would shudder at the thought of youngsters riding in a paneled van without these modifications.

One of the questions set forth at our last meeting was, "Under present law, how much authority does the Safety Department have to make, change, or alter present school bus regulations?" In response to this question I cite K.S.A. 8-2009 §(a):

The Department of Transportation by and with the advice of the commissioner of education shall adopt and enforce regulations

not inconsistent with this act to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this state. . .

Key phrases used in this statute are, "by and with the advice of the commissioner of education" and "governing the design and operation". The first phrase gives the Department of Education the power to review every regulation proposed by the Safety Department. Without this approval by the Commissioner of Education the existing regulations could not have become effective. This phrase is one of the many checks and balances built into our system of laws.

The second phrase "design and operation" denotes the areas in which the Safety Department shall enact regulations governing buses for the transportation of school students. It should be recognized that these are the areas in which safety must play its greatest role.

Who and what influences the Safety Department with respect to the enactment of these regulations? This particular question, although in a different form, was also asked at the last committee meeting. The answer is multi-faceted. Those with the greatest input into regulation drafting are the organizations which do research on student transportation safety. These organizations are NHTSA (National Highway Traffic Safety Administration) and VESC (Vehicle Equipment Safety Commission).

Standard 17 is set out by the United States Department of Transportation through NHTSA. The requirements of Standard 17 are general and do not approach many areas of the operation and design of school buses. In addition to the requirements set forth in Standard 17 there are recommendations. Only in those areas where items are listed as requirements has the Safety Department

placed emphasis on their adoption as regulations. In many areas we are still not in compliance with requirements of Federal Standard 17.

As mentioned earlier, some of our regulations have been adopted from VESC. These standards are more specific and pertain to the technical design of school bus systems. (e.g. braking systems, tires, generators, superstructure, etc.) The purpose in borrowing standards from VESC is to supplement the major requirements of Federal Standard 17. In order to establish a comprehensive set of regulations, many sources must be considered.

To illustrate some of the requirements of Standard 17 and to further answer some of the questions brought up at our last meeting a few of these standards are listed as follows:

Type II vehicles -- "Means any motor vehicle used to carry 16 or less pupils to and from school." This does not include private motor vehicles used to carry members of the owner's household.

Color -- "Shall be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of Federal Standard No. 595a, Color 13432, except that the hood shall be either that color or lusterless black, matching Federal Standard No. 595a, Color 37038."

Lettering -- "Shall be identified with the words, 'School Bus', printed in letters not less than 8 inches high located between the warning signal lamp as high as possible without impairing visibility of the lettering from both the front and rear, and have no other lettering on the front or rear of the vehicle."

This last standard is in essence the answer to why school districts are required to remove the sign "Stop on Signal" from the bus. Although our regulations have not become uniform on this subject, we are asking schools

now to remove all lettering except "School Bus" from the front and rear of the bus in order that there will not be any extreme changes necessary when the regulations do become effective. As a result, many school districts who are now painting to remove "Stop on Signal" from the back of their buses are also removing the words "Emergency Door". This is an effort to minimize expenditures while at the same time allowing us to bring our regulations into conformity with this standard.

Standard 17 requires that states shall maintain compliance with these standards. Although, all states would ideally like to be in the position of total compliance every state has reached a different degree of compliance. A good example of this can be drawn from a comparison of Missouri and Kansas regulations. Missouri has fully implemented a ^{some} bi-annual inspection program as required by Standard 17, but has failed to require the removal of "Stop on Signal" from the back of the bus. Kansas is removing the "Stop on Signal" from the back of the bus, but has no present program for bi-annual inspection.

In 1971, Kansas was first among the fifty states in compliance with Standard 17. Now we have slipped to a position of being barely in the upper-half.

Although, many factors have caused Kansas to regress in the standings, one factor has been the cost to school districts. To wit, the Kansas legislature in 1974 repealed the law which made mandatory the eight light system on school buses. This change was a direct result of the increased cost factor. Another factor is the time needed to phase out certain vehicles which do not comply and to modify other vehicles in order that they do comply. The Safety Department realizes that major changes must be budgeted for over a reasonable period of time.

In this regard, it should be pointed out that currently only one state in

the United States uses unmodified vans to transport school students. This state is New Jersey, and although they operate vans without the complete conversion they have some modification requirements which include hand rails, seat back cushions, step well guards, etc. for the protection of their students.

This particular fact serves to illustrate why Kansas is now requiring that all vans be modified. We do not have a regulatory provision which allows for a partially modified van. There are two reasons for this: (1) The cost differential between fully modified and partially modified vans is only marginal and (2) it is most difficult to establish guidelines by which we would differentiate between those which should be painted, etc. and those which should not.

In this reasoning, we are not alone. Missouri, in their last inspection record, reported less than 1% unmodified vans in their state.

In summary, our most important goal is safe student transportation. To reach this goal, the Safety Department has enacted rules and regulations consistent with research findings. In order to maximize these research findings and pass the benefits on to school students enforcement of these regulations to establish uniformity is essential. Motorists throughout the state of Kansas and other states must be exposed to uniform signs, signals and equipment. Toward this objective we are marching.

August 5, 1975

The Honorable Robert Bennett
Governor of Kansas
State Capitol
Topeka, Kansas 66612

Dear Governor Bennett:

Thank you for bringing to our attention the several complaints concerning the administrative rules and regulations requiring conversions on school buses.

In order that these rules and regulations be explained please allow me to first of all state that any new regulations enacted by this department will not become effective until July 1, 1976.

Specifically, the current controversy stems from a policy by this department to enforce, to the extent practical, rules and regulations which have in the past been on the books, but apparently have not been enforced. To wit, the regulations have for several years set forth specific requirements for 10 to 16 passenger capacity buses. These requirements were set forth to insure safe pupil transportation as well as conform to federal guidelines. Many school districts, however, purchased 12 passenger vans for the transportation of students and were informed by past members of this department that no modification was necessary as long as they did not identify them as school buses.

It has been our policy to depart from this practice and to inform school districts that as soon as it became feasible for them to do so they must bring these vehicles within the existing regulations.

In the past these 12 passenger vehicles were in most instances not inspected by the Highway Patrol. The problem which has arisen, we feel, is a transition problem. Many school districts now conform to these regulations--others do not. Those which do not can not possibly be forced to do so under this year's budget. This we are aware of.

Our answer, as stated earlier, has been to inform school districts that we can no longer ignore the purpose of these regulations, but that at the same time we understand that total compliance can not be reached during this academic year.

The Honorable Robert Bennett
Page Two
August 5, 1975

Efforts have been made to disperse this information to those affected, but perhaps this communication is still insufficient.

In brief, this is the situation that we have been confronted with and the steps we have taken. If you desire more detailed information, please feel free to ask.

Respectfully yours,

JERRY L. MERRELL, Ph.D.
Director of Highway Safety

JLM:lp

SCHOOL TRANSPORTATION SUPERVISORS

The 8 most frequently asked questions regarding school buses:

1. Question: What is the date set for a required eight light system?
Answer: The Kansas law mandating the eight light has been repealed and no new date has been set for this requirement. However the best position to take is to ask that the eight light system be installed on all new buses. The requirement is coming, but the most important factor is that it is much safer for both student-pedestrian and automobile driver.

2. Question: When do the words "STOP ON SIGNAL" need to be removed from the back of the school bus?
Answer: The effective date for the new regulations which removes the option to have "STOP ON SIGNAL" written on the back of the school bus is July 1, 1975. The only words to be on the back of the school bus is "SCHOOL BUS" in 3 inch lettering and "EMERGENCY DOOR" in letters not to exceed 2 inches in height.

3. Question: What are the requirements for the 12 passenger carryall?
Answer: The requirements are the same for any vehicle with a capacity of transporting 10 to 16 students. This requirement is that all vehicles meeting this description must have the necessary modification to conform to lighting, color, lettering, seating space, side rail protection, headroom, and other specification set forth for the safety of students.

This requirement is not a new one but one which has been a regulation for a number of years. Many school districts have modified all of their 10 to 16 passenger vehicles and others have begun to use 9 passenger vehicles which are regulated.

3. Cont'd Answer: The policy of the Safety Department is to encourage in every way possible the conversion of all 10 to 16 passenger vehicles. As some school districts can not, under their current budgets, convert all of these vehicles, the Safety Department is allowing their use on a limited and temporary basis. Any new 10 to 16 passenger vehicles, having not been modified, will not be given an approval sticker to operate. Two very important factors support the enforcement of these requirements: (1) The safety of school students; and (2) The legal liability of a school district which has students insured while riding in a non-conforming vehicle.

4. Question: Is there any difference in the requirements for buses carrying students to and from school and those transporting students on school activities?

Answer: No. Kansas Law includes both uses in the same category. Any exceptions for the use of non-conforming buses for school activities such as transit type buses must be approved by the Safety Department.

5. Question: Is a 10 to 16 passenger Type II school bus required to have a Stop Arm?

Answer: No. However, the requirement is coming and perhaps as soon as next year the new models will be required to have Stop Arm with Signal Lights.

6. Question: Can school buses be equipped with carrying racks?

Answer: Yes. The regulations do not prohibit the use of racks. However, the racks must be so constructed and attached so as to not violate length and height requirements. Additionally, any material to be carried must be securely attached and/or covered as required by law for the open transportation of any material.

7. Question: What are the requirements for vehicles with a capacity 9 passengers or less?

Answer: Vehicles with a capacity of 9 passengers or less are not regulated by the Safety Department. These vehicles should not be painted yellow or in any other way control traffic. Kansas law currently requires publicly owned vehicles or privately owned vehicles receiving compensation to stop at railroad grade crossings. Both the Safety Department and the Highway Patrol feel that it is an unsafe practice to have unmarked vehicles stop at railroad grade crossings. However, until a statutory change is effected the law remains that these vehicles must stop at railroad grade crossings.

8. Question: What modifications need to be made on school buses if they are to be used by a private party for the transportation of passengers?

Answer: All lettering identifying the bus as a school bus must be covered and the stop arm and lights covered such that other vehicle operators will know that the bus is not controlling traffic.

U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Submitted by Mr. Jerry Merrell
9/16

Attachment IV

NOTICE TSP-917

PURPOSE:

To clarify certain sections of subject standard based upon questions raised by the States:

1. How soon must we comply with requirements of Standard 17?

ANSWER: The Highway Safety Act requires that the State be implementing the safety standards or risk sanctions provided in section 402 (c) of the Act. This Standard is not one where full and immediate compliance is possible. States are in various stages of development in the pupil transportation area. For this reason priorities were indicated in the preamble to the Standard. Additional guidelines were established in our Notice TSP 900.

2. Can the following be painted black within the spirit of the Standard?

- a. Side rub-rails.
- b. Streamers on roof, between rub-rails or other trim on sides, such as our bird.
- c. Rear portion of rub-rails that go down sides of the bus and wrap around rear.
- d. Side lettering.
- e. Bumper trim above and to the front.
- f. Numbers on sides.
- g. Numbers on front.
- h. Numbers on rear.
- i. Body of stop arm on left side.
- j. Nameplates side.
- k. Nameplates rear.
- l. Rub-rail immediately above rear bumper.
- m. Background of school bus warning lights - front and rear.
- n. Background for rear turn signals, rear stop lights and rear backup lights.

ANSWER: Yes, in reviewing the language of the Standard we interpret it to permit the above items to be painted black.

3. Can the following be other than National School Bus Glossy Yellow or black.

- a. Chassis grills.
- b. Backs, rims, and mounting brackets of mirrors.
- c. Trim on front of chassis.
- d. Housing of reflectors.
- e. Window frames.

ANSWER: Yes, in reviewing the language of the Standard we interpret it to permit current practices to continue.

4.

We have the words "Emergency Door," our school name, and the number of the bus on the rear of the bus, must these be removed?

ANSWER: Identifying numbers and location of the emergency exit may be retained so long as they do not interfere with the size or placement of the words "School Bus." The school's name is not permitted on front or rear of the school bus.

5. Do the instructions on the rear of the bus, such as "STOP ON SIGNAL" need to be removed?

ANSWER: Yes, to achieve uniformity in traffic control the States cannot have different instructions for the motorist.

6. Do buses with other than the 4 or 8 light warning systems have to be converted to either a 4 or 8 light system?

ANSWER: Yes, this is required by Section IV. B.1.d. of the Standard.

(7.) Must church buses comply with Standard 17?

ANSWER: Yes, those vehicles that are at any time used to carry school children and school personnel, exclusively, to and from school must comply with the requirements of the Standard.

8. Must we put cross-view mirrors on all our buses?

ANSWER: Yes, if the seated driver cannot see down in front of the bus as required by the Standard.

9. Will there be a manual to accompany Standard 17? When will it be available?

ANSWER: Yes. We expect to have it ready by early fall.

10. How much time do we have to eliminate standees?

ANSWER: You should begin work on this problem immediately.

11. We currently use the flashing red warning lights to give advance warning of a bus stop, how long can we continue to do this?

ANSWER: The Standard prohibits this practice. You should begin to work on this problem immediately because legislation may be required.

12. Does our local transit company which carries children to and from school have to comply with the requirements of Standard 17?

ANSWER: Those vehicles that are at any time used to carry school children and school personnel, to and from school must comply with the requirements of the Standard. Vehicles that carry school children along with other passengers as part of the operations of a common carrier, are not covered by the Standard.

13. What do you mean by "to and from school?"

ANSWER: This means for purposes of Standard 17, the transportation of school children and school personnel from their homes or the nearest bus stop to their assigned school buildings for classroom studies and return.

Does Standard 17 cover any other transportation of school children other than "to and from school?"

ANSWER: no.

15. What State Office determines where the "primary administrative responsibility for pupil transportation" shall be lodged?

ANSWER: The Governor's Office.

*Submitted by Mr. Jerry Merrell
9/16
Attachment I*

BILL NO. _____

By

An act relating to school buses; modifying the statutory definition thereof.

Be it enacted by the Legislature of the State of Kansas:

8-1461. "School bus" defined. "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school, or to and from activities, as defined in K.S.A. 72-133 or every motor vehicle owned and operated for compensation for transportation of children. The motor vehicles to which this section applies are vehicles other than privately or school district owned sedans, station wagons, and vans with a capacity of nine (9) passengers or less.

Submitted by Dr. Jerry Merrill
9/16
Attachment III

_____ BILL NO. _____

By _____

AN ACT relating to school buses; requiring certain inspections; and providing for the enforcement thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The provisions of K. S. A. 8-1750 shall be construed to mean the meanings of the words and phrases used in this act as used by the government.

(b) From and after January 1, 1977, the owner of every school bus annually shall cause such bus to be submitted in the month of August to an official inspection station specifically authorized to inspect school buses. The inspection station shall inspect the braking, suspension and steering systems and tire conditions and shall inspect all equipment and markings required by state statutes or rules and regulations to be on such vehicle to determine that it is present and in good condition and proper adjustment in the manner prescribed by rules and regulations of the superintendent. Upon completion of an inspection and a determination that the bus' equipment is in good condition and proper adjustment, the inspection station shall issue an official inspection sticker for such bus. If an inspection discloses the necessity for repairs, the owner or operator shall be so notified. Repairs and adjustments need not be made at the inspection station which has made the inspection, and if the owner or operator of the bus elects not to have repairs or adjustments made at that time, a list of the particular repairs, adjustments and equipment needed on the bus shall be prepared in duplicate. One copy shall be given to the owner or operator of the bus and one copy shall be forwarded to the superintendent. The owner of the bus shall have such repairs made or defects corrected as are required by the list prepared by the inspection station within ten (10) days from the date such list was issued, and such owner

then shall notify the superintendent that such repairs were made or defects corrected. The fee for such inspection shall be _____ dollars (\$___).

(c) In addition to the inspection required by subsection (b), the superintendent in the month of January or February of each year shall cause to be inspected all school buses in this state. Kansas highway patrol troopers also may inspect any school bus at any other time. All such inspections shall be conducted by Kansas highway patrol troopers in the manner prescribed by the superintendent. If the inspection discloses the necessity for repairs, the owner or operator shall be so notified and a list of the particular repairs, adjustments or equipment needed on the bus shall be prepared in duplicate. One copy shall be given to the owner or operator of the bus and one copy shall be forwarded to the superintendent. The owner of the bus shall have such repairs made or defects corrected as are required by the list prepared by the trooper inspecting such bus within ten (10) days from the date such list was issued, and such owner then shall notify the superintendent that such repairs were made or defects corrected.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Submitted by Mr. Jerry Marrell
9/16

Attachment VIII

KANSAS SCHOOL BUS ACCIDENTS
1970 - 1971 - 1972 - 1973 - 1974

	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Number of Accidents..	173	169	123	149	118
Number of Fatalities					
In School Bus	0	0	0	2	0
After leaving Bus	0	0	0	0	0
In Other Vehicle	0	0	0	2	1
Number of Injury Accidents	52	87	38	44	41
Number of Injuries	130	130	149	111	129
In School Bus				74	94
In Other Vehicle				37	32
Pedestrians					3
Number of Vehicles Involved	324	330	234	292	221

ROAD CLASSIFICATION

Road Class Accidents Occurred On:	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
State Highway (rural Inter-state, State & Federal routes)	29	32	22	50	25
County Road	42	33	30	21	13
Township Roads	6	9	8	4	13
City Streets (includes highway connecting routes)	95	95	63	74	67
Kansas Turnpike	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	173	169	123	149	118

LIGHT CONDITIONS

	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Daylight	159	158	118	138	101
Dusk or Dawn	8	0	0	4	7
Dark - Street Lighted	2	5	3	3	1
Dark - Street Not Lighted	<u>4</u>	<u>6</u>	<u>2</u>	<u>4</u>	<u>9</u>
TOTALS	173	169	123	149	118

WEATHER CONDITIONS

<u>Weather</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Clear	116	111	63	82	74
Raining	18	11	15	15	10
Snowing	7	8	8	12	2
Fog	2	4	9	5	4
Sleet	1	0	4	0	0
Cloudy	21	28	24	35	28
Not Stated	<u>8</u>	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	173	169	123	149	118

AGE OF SCHOOL BUS DRIVERS

<u>Age</u>	<u>1970</u>		<u>1971</u>		<u>1972</u>		<u>1973</u>		<u>1974</u>	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
16	0	0	0	0	1	0	2	0	2	1
17	0	0	1	1	2	0	2	0	2	0
18	1	1	0	0	1	0	1	0	0	0
19	3	0	0	0	2	0	2	0	0	0
20	1	0	3	0	0	0	2	0	1	0
21-25	14	2	19	3	11	1	10	5	7	5
26-30	5	6	8	11	3	7	5	8	10	10
31-35	4	16	8	4	7	11	3	13	4	10
36-40	12	12	10	13	6	6	2	11	2	11
41-45	10	6	9	10	9	9	9	10	4	8
46-50	11	9	10	5	6	6	9	9	4	4
51-55	9	8	7	3	5	3	9	7	5	5
56-60	12	1	9	4	11	1	6	2	4	3
61-65	12	0	15	0	11	2	9	1	6	4
66 and Over	6	0	6	0	4	0	6	0	2	0
Not Stated	9		9		1		6		1	

CHARACTER AND CONDITION OR ROAD SURFACE

<u>Horizontal</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Straight	150	151	107	143	110
Curves	15	13	16	5	7
Not Stated	<u>8</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>1</u>
TOTALS	173	169	123	149	118

<u>Vertical</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Level	107	89	66	93	72
On Grade	48	59	51	47	43
Hillcrest	5	4	6	9	2
Dip	0	0	0	0	0
Not Stated	<u>13</u>	<u>17</u>	<u>0</u>	<u>0</u>	<u>1</u>
TOTALS	173	169	123	149	118
<u>Conditions</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Dry	121	112	62	87	79
Wet	20	22	32	32	18
Snow or Ice	23	31	29	30	17
Not Stated	<u>9</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>4</u>
TOTALS	173	169	123	149	118

TRAFFIC CONTROL

Intersections

<u>Type of Control</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Traffic Signals	9	10	6	5	13
Stop Signs	41	33	30	40	20
Warning Signs (other than Stop Signs)	5	10	4	5	1
Flashing Beacons	0	2	0	0	2
No Control	26	17	17	6	8
Marked Centerline	1	3	1	2	5
Not Stated	<u>2</u>	<u>7</u>	<u>0</u>	<u>1</u>	<u>6</u>
TOTALS	84	82	58	59	55

Non-Intersections

<u>Type of Control</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Railroad Signals	1	1	1	1	0
Railroad - No Signals	0	2	0	0	1
Warning Signs	4	4	3	3	2
Marked Centerline	32	35	23	32	18
No Control	46	41	33	53	23
Not Stated	<u>6</u>	<u>4</u>	<u>0</u>	<u>1</u>	<u>19</u>
TOTALS	89	87	65	90	63

DRIVER ACTION BEFORE ACCIDENT
School Bus Driver

<u>Action</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Going Straight Ahead	88	88	55	77	67
Overtaking	4	3	7	3	3
Making Right Turn	16	7	9	8	5
Making Left Turn	21	22	21	18	15
Making U Turn	0	0	0	0	0
Slow or Stopped	22	34	29	28	22
Backing	11	7	4	9	0
Parked Vehicle	9	2	1	6	4
Not Stated	<u>3</u>	<u>6</u>	<u>0</u>	<u>1</u>	<u>2</u>
TOTALS	*174	169	**126	*150	**118

* One (1) accident involved two (2) bus drivers.

**Three (3) accidents involved two (2) bus drivers.

Driver Other Vehicle

<u>Action</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Going Straight Ahead	83	116	78	83	71
Overtaking	9	6	6	8	1
Making Right Turn	12	5	5	3	4
Making Left Turn	15	5	4	10	6
Slow or Stopped	14	15	6	27	20
Making U Turn	0	0	1	1	0
Backing	8	2	3	3	1
Parked Vehicle	6	8	5	8	10
Not Stated	<u>3</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>3</u>
TOTALS	150	161	108	143	118

Some accidents had more than one (1) contributing circumstance listed on the report, therefore the total is larger than the actual number of accidents.

ARREST

BUS DRIVER

OTHER DRIVER

13

31

CONTRIBUTING CIRCUMSTANCES

Contributing Circumstance	1970		1971		1972		1973		1974	
	Bus Driver	Other Driver	Bus Driver	Other Driver	Bus Driver	Other Driver	Bus Driver	Other Driver	Bus Driver	Other Driver
Speed too Fast	1	18	11	20	6	21	5	11	3	12
Failed to Yield	15	17	22	17	11	5	13	10	12	9
Driver Left Of Center	5	8	12	6	5	4	1	4	1	3
Inattentive Driving	19	15	11	6	16	16	21	35	19	24
Improper Overtaking	6	8	2	9	1	6	4	5	1	2
Following Too Close	2	8	1	6	2	3	2	8	4	5
Improper Turn	10	8	7	2	5	1	4	3	3	2
Passed Stop Sign	1	1	1	1	0	1	1	0	0	0
Disregarded Traffic Signal	1	3	0	1	0	1	2	1	1	4
Been Drinking	0	2	0	1	0	0	0	1	0	1
Failed to Stop for Bus	0	0	0	2	0	0	0	1	0	0
Inadequate Brakes	5	2	4	5	2	0	6	2	0	0
Mechanical Defect	3	0	3	0	4	0	1	0	0	0
Improper Backing	9	4	7	3	3	1	3	1	0	1
Skidded on Wet Pavement	6	6	8	4	6	6	0	1	0	0
Hit Animal	3	0	0	0	0	0	1	0	0	0
Not Stated		14		11		2		7		21
Miscellaneous Circumstances	--	--	--	--	--	--	14	11	5	9
TOTALS	200		183		128		179		132	

(Act) 111

PROPOSED BILL NO. _____

By Special Committee on Education

Re: Proposal No. 11

AN ACT concerning education; relating to suspension and expulsion of pupils and students; amending K. S. A. 72-8903 and K. S. A. 1975 Supp. 72-8902, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K. S. A. 1975 Supp. 72-8902 is hereby amended to read as follows: 72-8902. (a) No suspension shall extend beyond the current school semester and no expulsion shall extend beyond the current school year. A suspension may be for a short term not exceeding five (5) school days, or for an extended term exceeding five (5) school days.

(b) No suspension for a short term shall be imposed upon a pupil or student without giving such pupil or student notice of the charges against him or her and affording such pupil or student a hearing thereon. Such notice may be oral or written and such hearing may be held immediately thereafter. Such hearing may be conducted informally but shall include the following procedural due process requirements: (1) The right of the student or pupil to be present at the hearing, and (2) the right of the student or pupil to be informed of the charges against him or her, and (3) the right of the student or pupil to be informed of the basis for the accusation, and (4) the right of the student or pupil to make statements in defense or mitigation of the charges or accusations.

Such hearing should be held prior to imposition of a short term suspension but a short term suspension may be imposed upon a pupil or student forthwith and without affording such pupil or student or his or her parents or guardians a hearing thereon if

the presence of such pupil or student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school. A written notice of any short term suspension and the reason therefor shall be given to the pupil or student involved and to his or her parents or guardians within twenty-four (24) hours after such suspension has been imposed and, in the event the pupil or student has not been afforded a hearing prior to any short term suspension, an informal hearing shall be held as soon thereafter as practicable but in no event later than seventy-two (72) hours after such short term suspension has been imposed.

(c) No suspension for an extended term and no expulsion shall be imposed upon a pupil or student until a formal hearing on such suspension or expulsion shall be afforded to such pupil or student. In all cases wherein a pupil or student might be suspended for an extended term or might be expelled, he or she shall first be suspended for a short term. ~~A written notice of any short term suspension and the reason therefor shall be given to the pupil or student involved and to his parents or guardians within twenty-four (24) hours after such suspension has been imposed.~~ A written notice of any proposal to suspend for an extended term or to expel and the charges upon which the same is based shall be given to the pupil or student proposed to be suspended or expelled and to his or her parents or guardians within seventy-two (72) hours after the pupil or student has had imposed a short term suspension. Any such notice of a proposal to suspend for an extended term or to expel shall state the time, date and place that the pupil or student will be afforded a formal hearing, and such date shall be not later than the last day of the short term suspension of such pupil or student. Such notice shall be accompanied by a copy of this act and the regulations of the board of education adopted under K. S. A. 72-8903, as amended.

~~(b)~~ (d) Upon the conclusion of any formal hearing which results in a suspension for an extended term or an expulsion, the

person or committee which conducts such hearing shall make a written report of the findings and results of the hearing. Such report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil or student who is suspended or expelled and to his or her counsel or other advisor.

~~(e)~~ (e) Whenever any such formal hearing results in suspension for an extended term or expulsion, the person or committee conducting such hearing may make a finding that return to classes by such student or pupil, pending any appeal or during the period allowed for notice of appeal, is not reasonably anticipated to cause continuing repeated material disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others, in which case such student or pupil may return to his or her regular classes until the period for filing a notice of appeal has expired with no such notice filed, or until the determination of any such appeal if a notice of appeal is filed. Whenever the person or committee conducting such a hearing fails to make the findings specified in this subsection, the report of the hearing shall provide that the suspension shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever is the sooner.

~~(e)~~ (f) Whenever any written notice is required under this act to be given to parents or guardians of any student or pupil, it shall be sufficient if the same is mailed to the residence of such parents or guardians at the address on file in the school records of such student or pupil. In lieu of mailing such written notice, the same may be personally delivered.

Sec. 2. K. S. A. 72-8903 is hereby amended to read as follows: 72-8903. The formal hearing provided for in K. S. A. 1970 1975 Supp. 72-8902, as amended, shall be conducted in accordance with regulations relating thereto adopted by the board of education. Such regulations shall afford procedural due process, including the following:

(a) The right of the student or pupil to have counsel of his or her own choice present and to receive the advice of such counsel or other person whom he or she may select, and

(b) the right of the parents or guardians of the student or pupil to be present at the hearing, and

(c) the right of the student or pupil and his or her counsel or advisor to hear or read a full report of testimony of witnesses against him or her, and

(d) the right of the student or pupil and his or her counsel to confront and cross-examine witnesses against him or her, and

~~(d)~~ (e) the right of the student or pupil to present his or her own witnesses in person or their testimony by affidavit, and

~~(e)~~ (f) the right of the student or pupil to testify in his or her own behalf and give reasons for his or her conduct, and

~~(f)~~ (g) the right of the student or pupil to have an orderly hearing, and

~~(g)~~ (h) the right of the student or pupil to a fair and impartial decision based on substantial evidence.

Upon completion of any hearing which results in a long-term suspension or expulsion, should it appear to the person or committee conducting such hearing that a violation of a criminal statute or a city ordinance may have occurred concurrently with the acts upon which such long-term suspension or expulsion is based, such person or committee conducting the hearing shall report the same to the juvenile court or other appropriate law enforcement agency.

Sec. 3. K. S. A. 72-8903 and K. S. A. 1975 Supp. 72-8902 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.