



TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Russ Inbody, Administrator
Janice Eret, School Finance Specialist

SUBJECT: Grant the Commissioner the authority to approve a hearing draft for the proposed revised Rule 92 ("Regulations governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation Vehicles"), to set a time and place for the hearing, and to appoint a hearing official to conduct the hearing on behalf of the State Board.

Proposed Board Action:

It is recommended that the State Board grant the Commissioner the authority to approve a hearing draft for the proposed revised Rule 92 ("Regulations governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation Vehicles"), to set a time and place for the hearing, and to appoint a hearing official to conduct the hearing on behalf of the State Board.

Background Information:

Rule 92 was last revised in 2008 with an implementation date of June 7, 2008.

The proposed revised Rule 92 will include the following changes:

- Clarified definition of school bus by adding Activity and Multi-Function Activity Bus.
- Added language that modified 15-passenger vans do not qualify as small vehicles for pupil transportation and removed reference to the sunset language for these vans.
- Removed requirement for van driving courses for drivers of the modified 15-passenger vans.
- Added definition of Route.
- Added inspection criteria for wheelchair lifts in vehicles for transporting children in mobile seating devices.

Estimated Cost:

\$600 - Combined cost for hearing notice for Rule 91 and Rule 92

Supporting Documentation Included:

For Additional Information on this item:

Contact: Russ Inbody 402/471-4320

12.07.11 State Board of Education Work Session 2.5-1
& &
12.08.11 State Board of Education 7.4-1

Proposed Rule Revisions

NDE Rule 92: Regulations Governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation Vehicles

October 18, 2011

002.05	NEW SECTION: Route A designated course regularly traveled by a school vehicle to pick up students from home or pickup points and take them to school; to deliver students from school to their homes or designated drop-off point. Trips for school activities and extracurricular activity trips are not considered "routes."
002.06	Definition of School Bus: Added language: "... [Includes Activity Bus (as defined in this chapter) and Multi-Function School Activity Bus (MFSAB) as defined in 49CFR 571.3)]...."
002.07	Definition of Small Vehicle: Removed reference to the sunset language for the modified 15-passenger vans. Language now says 15 passenger vans do not qualify as small vehicles for pupil transportation.
012.02 thru 012.06	<p>NEW SECTIONS IN MINIMUM SAFETY INSPECTION CRITERIA FOR VEHICLES FOR TRANSPORTING CHILDREN IN MOBILE SEATING DEVICES:</p> <p><u>012.02</u> Wheelchair lift shall function as designed and is operable;</p> <p><u>012.03</u> Platform lift manufactured after 4/1/05 must meet all of the following criteria:</p> <p style="padding-left: 40px;"><u>012.03A</u> Jacking prevention</p> <p style="padding-left: 40px;"><u>012.03B</u> Manual Backup operating mode</p> <p style="padding-left: 40px;"><u>012.03C</u> Interlocks to prevent forward or rearward mobility of the vehicle unless lift is stowed;</p> <p style="padding-left: 40px;"><u>012.03D</u> Wheelchair retention device;</p> <p style="padding-left: 40px;"><u>012.03E</u> Platform outer barrier and inner roll stop</p> <p><u>012.04</u> No hydraulic lines shall be leaking during lift operation.</p> <p><u>012.05</u> Wheelchair restraint system shall be complete and properly installed. No loose or damaged parts shall be in use.</p> <p><u>012.06</u> All required wheelchair occupant restraint systems shall be in compliance with FMVSS 571.222)</p>
Appendix L	Mechanic's Pupil Transportation Vehicle Inspection Report: Added language -- <i>"This report is included as an example and details minimum inspection points. Schools/contractors may include additional inspection points to this report."</i>