

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 2901 (14 Del.C. §2901)
14 DE Admin. Code 1101

FINAL

Regulatory Implementing Order

1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995). The amendment allows for the placement of a U.S. Flag decal or plate on a school bus.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on Monday, January 7, 2007, in the form hereto attached as *Exhibit "A"*. The Department received four written comments from three persons (two written comments from the same person); and three comments by telephone. There was one person that specifically supported the U.S. flag decal; another person wanted to know how to get an "awareness" decal added to the regulation; and another person that disagrees with any prohibition of any type of decal. Those voicing disagreement to the amended regulation included one person that specifically mentioned the U.S. flag not be allowed on the exterior of school buses; one person that was concerned with any type of decal because of a potential distraction for drivers; and one person that did not agree that school buses should be "public billboards for any reason."

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995) in order to allow for the placement of the U.S. Flag decal or plate on a school bus.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995). Therefore, pursuant to 14 Del.C. §122, 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995) attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 Del.C. §122(e), 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995) hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After March 1, 1998 (Terminology and School Bus Types are described in the National Standards for School Transportation 1995) amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 DE Admin. Code 1101 Standards for School Bus Chassis and Bodies Placed in Production After