

TRANSPORTING

Students with Disabilities

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District, Van Driver Caused Brain Damage, Parents Allege

The parents of an 11-year-old Massachusetts boy with epilepsy and limited cognitive abilities have sued the Groton-Dunstable Regional School District and a substitute van driver, alleging the driver left the boy in her van for six hours last August instead of delivering him to school.

The lawsuit filed in Lowell Superior Court (No. 05-1845-L) contends that Danny Searles suffered additional brain damage when his body temperature increased to 104 degrees.

Jeffrey N. Roy, attorney with Ravech & Roy, in Boston, Mass., who represents the boy and his parents, said that the boy was the only passenger in the van Aug. 21, 2003, and was to be taken to the Children's Extended Care Center in Groton that morning.

Regular Driver on Vacation

The Groton school district was responsible for providing transportation from Danny's home to the center—a trip of about three miles and generally taking about 10 minutes, pleadings filed in the lawsuit report.

That morning, Danny was picked up by Deborah Stone, who had been employed as a special education bus driver by the district since February 2003, because Danny's regular driver was on vacation that week, the

lawsuit states. The pleadings state that Danny is "immobile and must be transported in a wheelchair," and is "incapable of communicating or caring for himself." "During the week of the 19th and, in particular, on the 21st, Danny was the only child transported in the van operated by Stone," the pleadings report.

'No Special Training or Instruction'

The pleadings also allege that prior to Aug. 19, 2003, Stone had never driven Danny's route and had never driven "a wheelchair-equipped special education van." According to the pleadings, Stone "received no special training or instruction" from district officials before taking over the regular driver's route for the week, but was instructed "informally" by the regular driver on the operation of "the wheelchair van" and allowed to accompany the regular driver on the route.

After delivering Danny (prior to Aug. 21) to the center, Stone would return the wheelchair van to a school parking lot, and take her usual special education van to her home in Hollis, N.H., where she normally kept the van, and "would do farm work until it was time to pick up Danny from school."

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Sumner County Seeks Additional Drivers, Attendants

The Sumner County Schools, in Gallatin, Tenn., is looking for about 20 part-time school bus drivers and attendants to meet increasing growth in the Nashville-area district. Those attendants work with children who have special needs, district officials note. Those officials say the part-time positions typically expand into full-time positions, but report they're not sure how many more full-time drivers and attendants will be needed.

The Sumner County district averages 200 drivers and attendants working for it annually, and typically has to replace 10 of those each year from retirements and resignations. Officials report the drivers and atten-

dants work 10 months of the year, and are paid by the hour (for four and one half hours a day).

Transportation Department testing coordinator Rick Mannon reports full-time workers receive "very good benefits" along with their salaries.

Mannon noted that the department will assist applicants for drivers' positions in obtaining a commercial driver's license with a school bus endorsement.

Applicants generally receive about two weeks of training, with much of it involving one-on-one instruction regarding operation of the school bus, and expectations for drivers, he said.

Contact: Sumner County Schools, (615) 451-5200.

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On Aug. 21, Stone failed to drop the boy off at the center, but switched vans, and drove to a café in Groton, where she met her supervisor, Phyllis Jewett — also named as a defendant in the lawsuit — for coffee, before driving home. Stone returned that afternoon, took the wheelchair van to the center, and was

asked by Danny's teacher why the boy had not been at school that day.

Hospitalized for Several Days

The pleadings report Stone said she had delivered Danny, then

appeared "confused" and

started to return to the school parking lot, but after a short distance "saw Danny's head lolling just above the seats" and returned to the center. Center staff members administered first aid, and the boy then was taken to a hospital, where he was hospitalized for several days.

The pleading says tests indicate he suffered brain injury as a result of the incident.

Failure to Follow Procedures

Stone subsequently was charged with criminal child endangerment, and pleaded guilty Feb. 12, 2004, being sentenced to two years probation, and being barred for life from driving a school bus. The lawsuit, which Roy says is not yet in the discovery process, contends the school district failed to follow its training policy requiring "at least three days of live training" for new drivers on a bus route (with either the current driver or transportation manager as the instructor), and did not follow its special education transportation operating procedures. Those procedures require drivers to check to see that no students remain on a bus at the end of a route, the pleadings report.

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www.FedNewsOnline.com

Editor: Michael Levin-Epstein

14313 Platinum Drive

N. Potomac, MD 20878

Telephone (301) 279-6782 Fax (301) 279-9421

E-mail: LEComm1@aol.com

Editorial Advisory Board:

John Goss

Q'Straint

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Education District

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