



**J. Michael Clára**  
Salt Lake City School Board  
District Two

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29 August 2014

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Delivered Via Electronic Mail

Joel Coleman, State Superintendent  
Utah State Office of Education  
250 East Cesar Chavez Boulevard  
Salt Lake City, UT 84111-3204

Delivered Via Electronic Mail

Colonel Daniel Fuhr, Superintendent  
Utah Highway Patrol  
4501 South 2700 West  
Salt Lake City, Utah 84114

Re: School Bus Danger



Dear Superintendent Coleman & Colonel Fuhr,

On behalf of the residents of Salt Lake City, who elected me to represent them on the Board of Education, I am submitting this appeal for your review.

**I am requesting that you order the Salt Lake City School District to place eighteen (18) of its school buses, OUT OF SERVICE** because they currently constitute a danger to the driver and students that are currently being transported in them. These buses are subject to a safety recall noticed and have not been repaired.

On **June 3, 2014**, several students in the Salt Lake School District were injured when the heater hose inside the passenger compartment of their school bus ruptured and sprayed hot pressurized coolant fluid all over them (see enclosed KUTV News Report: First Grader Suffers Serious Burns During School Bus Accident).

On **June 11, 2014**, the U.S. Department of Transportation issued a recall notice 14V-313 Titled:

**Part 573.6 Defect and Noncompliance Reporting**

The recall states that *“Certain 2008 through 2013 Model Year Blue Bird.”* bus have a defective thermostat, heater hose and shielding covering over the hose. The recall explains that multiple injuries to students have occurred because the heater hose ruptures spraying hot coolant on the students and driver inside the bus (see attached).

On **July 29, 2014**, School District personnel attempted to deceive the Salt Lake City School Board by stating that none of the buses in the school district’s fleet were subject to the recall (see attached email dated July 29<sup>th</sup>).

**“Local school boards are the bedrock of our society, yet they are invisible to the public”**

Señor Florez –Deseret News

On **August 7, 2014**, transportation personnel exchanged an email with each other stating that 18 buses were subject to the recall and would not be repaired until October (this email was discovered as a result of my GRAMA request).

On **August 13, 2014**, I submitted a GRAMA request for all information pertaining to school bus #199 which was involved in the June 3<sup>rd</sup> incident. The school district initially denied my request.

On **August 21, 2014**, I received an email communication from USOE, Transportation Specialist Martin Murrell. In part of his communication he stated that the Salt Lake City School District

*“Made sure all their buses, that had recall notices related to heater hoses, were addressed by the bus manufacturer representatives”*

At the time, I thought it an odd statement, because school district personnel had informed the school board on July 29<sup>th</sup>, that none of the school district’s buses were subject to the recall.

On **August 27, 2014**, the school district released a portion of the documents that I requested through GRAMA. It was only then, that I discovered that the school district was covering up the fact that 18 buses in the district’s fleet were subject to the recall but had not been repaired (see August 7<sup>th</sup> email referenced above).

On **August 27, 2014**, I sent a letter to the Superintendent asking for an explanation as to why he had deceived the school board (see enclosed letter).

On **August 29, 2014**, he replied with what I can only describe as a half baked and duplicitous explanation (see enclosed email).

The safety recall notice was issued 80 days ago! Salt Lake School District personnel have taken no action in that time to repair these buses.

They can’t claim that they were not aware of the safety recall notice because I gave them a copy of it back in June, soon after it was published. I have multiple examples of correspondence from the Superintendent on down where they are informing me that the bus involved in the June 3<sup>rd</sup>, incident was not subject to the safety recall. I do agree with their conclusions on that matter. My point is that they have demonstrated over the last 80 days that they were aware of the safety recall notice and confirmed that with me today.

I believe that the Utah State Office of Education along with the Utah Highway Patrol have the Statutory Authority to compel the Salt Lake City School District to comply with the standards as set forth in Utah statutes. See Title 41 of the Utah Code (Department of Transportation):

*§41-6-115, states “...The Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and **enforce regulations** not inconsistent with this chapter to govern the design and operation of all school buses when owned and operated by any school district...”*

I have reason to believe that the Salt Lake City School District-Transportation Department, under the direction of Superintendent McKell Withers is in violation Rule R277-601, which is titled: **Standards for Utah School Buses and Operations.**

Rule R277-601-3A states:

*“The local board and school district personnel shall act consistent with the manual entitled STANDARDS FOR UTAH SCHOOL BUSES AND OPERATIONS, 2010...”*

Page 9 of that document states that Utah has adopted the 2005 National School Transportation Specifications & Procedures (also see Utah R909-3-2 Adoption Standards for Utah School Buses and Operations Standards 2010 Edition).

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Page 33 of the 2005 Standards state the following:

*Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or any sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hoses shall conform to SAE J20c, Coolant System Hoses. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.*

The standard also states the following:


*“Heater lines on the interior of the bus **shall** be shielded to prevent scalding of the driver or passengers...”*

When it states “**shall**”, I detect no ambiguity in the standard, yet students from my neighborhood were scalded with hot pressurized coolant because the hose was not properly “*shielded*”. The adults in the Salt Lake City School District are recklessly placing additional students in harms way by delaying the repairs as set forth in the U.S. Department of Transportation, Safety Recall notice 14V-313.

In my capacity of as a member of the Salt City Board of Education, I have corresponded with Superintendent Wither’s about the importance of ensuring that the school buses within the school district’s bus fleet are in compliance with state standards. He has clearly ignored my concerns and indeed attempted to conceal that we have 18 buses in service with a demonstrated safety hazard.

On behalf of the students in my community, I am pleading with the two of you, to exercise the authority given to you by the state legislature and order the Salt Lake City School District to place the 18 buses, subject to safety recall 14V-313, **OUT of SERVICE** until the appropriate corrections are completed. The local school district personnel have already squandered away 80 days in which they had to make these repairs or cause them to be made. I for one, do not feel it is fair to place the students of my community in an unsafe environment because the adults in the system have failed to act!

Shalom,

  
J. Michael Clára  
Board Member, District 2

Enclosures

cc: Honorable Gary R. Herbert, Governor of the State of Utah  
Honorable David L. Crandall, State School Board President



