

SENATE BILL 448

F1, R2

1lr1981
CF HB 72

By: **Senator Edwards**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **County Boards of Education – Student Transportation – Vehicles and Report**

3 FOR the purpose of authorizing a county board of education to provide transportation to
4 and from school for certain students using a vehicle other than a certain type of
5 school vehicle under certain circumstances; requiring the State Department of
6 Education, in consultation with county boards of education and the Motor Vehicle
7 Administration, to adopt certain regulations; requiring each county board to submit
8 a certain report to the Department on or before a certain date; requiring the
9 Department to compile certain reports and submit a certain report to certain
10 committees of the General Assembly on or before a certain date; altering a certain
11 definition; providing for the termination of this Act; and generally relating to vehicles
12 for student transportation and county boards of education.

13 BY repealing and reenacting, without amendments,

14 Article – Transportation

15 Section 11–154

16 Annotated Code of Maryland

17 (2020 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Education

20 Section 7–801

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Transportation**

4 11–154.

5 (a) “School vehicle” means, except as provided in subsection (b) of this section,
6 any motor vehicle that:

7 (1) Is used regularly for the exclusive transportation of children, students,
8 or teachers for educational purposes or in connection with a school activity; and

9 (2) Is:

10 (i) A Type I school vehicle, as defined in this subtitle;

11 (ii) A Type II school vehicle, as defined in this subtitle; or

12 (iii) A vehicle that:

13 1. Was originally titled in another state and used to
14 transport children, students, or teachers for educational purposes or in connection with a
15 school activity in that state;

16 2. Complies with regulations on transporting children
17 enrolled in the federally funded Head Start Program adopted by the United States
18 Department of Health and Human Services; and

19 3. Is used only for transporting children to and from a Head
20 Start program.

21 (b) “School vehicle” does not include:

22 (1) A privately owned vehicle while it is carrying members of its owner’s
23 household and not operated for compensation; or

24 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under
25 § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and
26 used to transport children between one or more schools or licensed child care centers or to
27 and from designated areas that are approved by the Administration if:

28 (i) The vehicle is designed for carrying 15 persons or less, including
29 the driver;

30 (ii) The children are permitted to embark or exit the vehicle only at
31 a school or child care center or a designated area approved by the Administration;

1 (iii) The owner has obtained vehicle liability insurance or other
2 security as required by Title 17 of this article; and

3 (iv) The vehicle is equipped with proper seat belts or safety seats so
4 as to permit each child to be secured in a seat belt or a safety seat as required by §§
5 22-412.2 and 22-412.3 of this article.

6 Article – Education

7 7-801.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) (I) “Nonpublic school” means an elementary or secondary school [in
10 Calvert County that does not receive State aid] **IN THE STATE THAT IS NOT PART OF THE**
11 **PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THIS STATE.**

12 (II) **“NONPUBLIC SCHOOL” INCLUDES AN ELEMENTARY OR**
13 **SECONDARY SCHOOL IN CALVERT COUNTY THAT DOES NOT RECEIVE STATE AID.**

14 (3) “Public school bus” includes any other conveyance used to transport
15 students to a public school.

16 (b) (1) At its own expense, a county governing body may provide
17 transportation for public school students in addition to the transportation provided by the
18 State.

19 (2) In Montgomery County, a fee may not be charged for transporting
20 public school students to school from their designated bus stop locations or from school to
21 their designated bus stop locations.

22 (c) (1) **A COUNTY BOARD MAY PROVIDE TRANSPORTATION TO AND FROM**
23 **SCHOOL USING A VEHICLE OTHER THAN A TYPE I OR TYPE II SCHOOL VEHICLE, AS**
24 **DEFINED IN § 11-154 OF THE TRANSPORTATION ARTICLE, WHEN A SCHOOL**
25 **VEHICLE CANNOT REASONABLY BE PROVIDED FOR THE FOLLOWING PUBLIC**
26 **SCHOOL STUDENTS:**

27 (I) **PRESCHOOL-AGE STUDENTS;**

28 (II) **STUDENTS WITH DISABILITIES;**

29 (III) **HOMELESS YOUTH;**

30 (IV) **CHILDREN IN FOSTER CARE;**

1 (V) STUDENTS WITHOUT ACCESS TO SCHOOL BUSES;

2 (VI) STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT; OR

3 (VII) STUDENTS IN DUAL ENROLLMENT PROGRAMS, WORK
4 PROGRAMS, OR OTHER EDUCATIONAL PROGRAMS BASED OFF THE SCHOOL CAMPUS.

5 (2) A COUNTY BOARD MAY PROVIDE TRANSPORTATION IN
6 ACCORDANCE WITH THIS SUBSECTION TO A PARTICULAR STUDENT GROUP THAT IS
7 NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION THROUGH A WRITTEN
8 DETERMINATION BY THE COUNTY BOARD.

9 (3) THE DEPARTMENT, IN CONSULTATION WITH COUNTY BOARDS
10 AND THE MOTOR VEHICLE ADMINISTRATION, SHALL ADOPT REGULATIONS
11 ESTABLISHING MINIMUM VEHICLE AND DRIVER SAFETY STANDARDS FOR
12 TRANSPORTATION PROVIDED IN ACCORDANCE WITH THIS SUBSECTION.

13 [(c)] (D) (1) Subject to the requirements of paragraph (2) of this subsection,
14 in Calvert County the county board may provide transportation to and from school on a
15 public school bus for a student who attends a nonpublic school.

16 (2) Transportation offered by the Calvert County Board under this section
17 shall be offered to a student attending a nonpublic school:

18 (i) If there is sufficient capacity on the school bus;

19 (ii) If the student resides on, along, or near a public highway in the
20 county on which a public school bus or conveyance operates;

21 (iii) If the student resides in the public school transportation district
22 served by the public school bus;

23 (iv) Only on the routes, school days, and hours of transportation that
24 coincide with the routes, school days, and hours of transportation for students attending
25 public schools in the county; and

26 (v) In the case of a student who attends a nonpublic school that is
27 not on the public school bus route, only to the public school on the route which is nearest to
28 the nonpublic school.

29 (3) The Calvert County Board is not responsible for the safety of any
30 nonpublic school student who is transported on a public school bus under this subsection
31 after the student is discharged from the public school bus, and the board may not be held
32 liable in any civil action arising from an act or omission that occurs after the student is
33 discharged from the public school bus.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) On or before September 1, 2023, each county board of education shall submit
3 a report to the State Department of Education on the provision of student transportation
4 to and from school using Type I or Type II school vehicles or other vehicles in accordance
5 with § 7–801(c) of the Education Article as enacted under Section 1 of this Act for the
6 5–year period from the 2018–2019 school year through the 2022–2023 school year,
7 including:

8 (1) the types of vehicles used and the owner of the vehicles;

9 (2) the number of contractors used to provide transportation in:

10 (i) Type I or Type II school vehicles; and

11 (ii) other vehicles authorized under § 7–801(c) of the Education
12 Article;

13 (3) the number of county transportation employees with benefits employed
14 by the county board each year and whether these types of employees decreased as a result
15 of the authority granted under § 7–801(c) of the Education Article; and

16 (4) the types of public school students transported in other vehicles under
17 § 7–801(c) of the Education Article.

18 (b) On or before December 1, 2023, the State Department of Education shall
19 compile the reports required under subsection (a) of this section and submit the report and
20 a copy of the regulations adopted under § 7–801(c) of the Education Article as enacted by
21 Section 1 of this Act to the Senate Education, Health, and Environmental Affairs
22 Committee and the House Committee on Ways and Means, in accordance with § 2–1257 of
23 the State Government Article.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2021. It shall remain effective for a period of 3 years and, at the end of June 30,
26 2024, this Act, with no further action required the General Assembly, shall be abrogated
27 and of no further force and effect.