

HOUSE BILL 72

F1, R2
HB 1234/20 – W&M

(PRE-FILED)

11r0599
CF SB 448

By: **Delegate Anderton**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 4, 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 the
11 definition of “contracting agency” used for a certain application requirement to
12 include an entity providing transportation in accordance with this Act; altering a
13 certain definition; providing for the termination of this Act; and generally relating to
14 vehicles for student transportation and county boards of education.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 11–154
18 Annotated Code of Maryland
19 (2020 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article – Education
22 Section 6–113.2(a)(1)

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 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section ~~6–113.2(a)(3)~~ and 7–801
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2020 Supplement)

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

10 **Article – Transportation**

11 11–154.

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

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

16 (2) Is:

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

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

19 (iii) A vehicle that:

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

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

26 3. Is used only for transporting children to and from a Head
27 Start program.

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

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

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

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

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

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

11 (iv) The vehicle is equipped with proper seat belts or safety seats so
12 as to permit each child to be secured in a seat belt or a safety seat as required by §§
13 22–412.2 and 22–412.3 of this article.

14 Article – Education

15 6–113.2.

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

17 (3) (I) “Contracting agency” means an entity that contracts with a
18 county board or nonpublic school to provide a service to a school or the students of a school.

19 (II) “CONTRACTING AGENCY” INCLUDES AN ENTITY THAT
20 PROVIDES TRANSPORTATION TO AND FROM A SCHOOL USING A VEHICLE OTHER
21 THAN A TYPE I OR TYPE II SCHOOL VEHICLE, IN ACCORDANCE WITH § 7–801 OF THIS
22 ARTICLE.

23 7–801.

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

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

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

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

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

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

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

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

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

14 (III) **HOMELESS YOUTH;**

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

16 (V) **STUDENTS WITHOUT ACCESS TO SCHOOL BUSES;**

17 (VI) **STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT; OR**

18 (VII) **STUDENTS IN DUAL ENROLLMENT PROGRAMS, WORK
19 PROGRAMS, OR OTHER EDUCATIONAL PROGRAMS BASED OFF THE SCHOOL CAMPUS.**

20 (2) **A COUNTY BOARD MAY PROVIDE TRANSPORTATION IN
21 ACCORDANCE WITH THIS SUBSECTION TO A PARTICULAR STUDENT GROUP THAT IS
22 NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION THROUGH A WRITTEN
23 DETERMINATION BY THE COUNTY BOARD.**

24 (3) **THE DEPARTMENT, IN CONSULTATION WITH COUNTY BOARDS
25 AND THE MOTOR VEHICLE ADMINISTRATION, SHALL ADOPT REGULATIONS
26 ESTABLISHING MINIMUM VEHICLE AND DRIVER SAFETY STANDARDS FOR
27 TRANSPORTATION PROVIDED IN ACCORDANCE WITH THIS SUBSECTION.**

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

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

- 1 (i) If there is sufficient capacity on the school bus;
- 2 (ii) If the student resides on, along, or near a public highway in the
3 county on which a public school bus or conveyance operates;
- 4 (iii) If the student resides in the public school transportation district
5 served by the public school bus;
- 6 (iv) Only on the routes, school days, and hours of transportation that
7 coincide with the routes, school days, and hours of transportation for students attending
8 public schools in the county; and
- 9 (v) In the case of a student who attends a nonpublic school that is
10 not on the public school bus route, only to the public school on the route which is nearest to
11 the nonpublic school.

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

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

18 (a) On or before September 1, 2025, each county board of education shall submit
19 a report to the State Department of Education on the provision of student transportation
20 to and from school using Type I or Type II school vehicles or other vehicles in accordance
21 with § 7-801(c) of the Education Article as enacted under Section 1 of this Act for the
22 5-year 7-year period from the 2018-2019 school year through the ~~2022-2023~~ 2024-2025
23 school year, including:

- 24 (1) the types of vehicles used and the owner of the vehicles;
- 25 (2) the number of contractors used to provide transportation in:
- 26 (i) Type I or Type II school vehicles; and
- 27 (ii) other vehicles authorized under § 7-801(c) of the Education
28 Article;

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

32 (4) the types of public school students transported in other vehicles under
33 § 7-801(c) of the Education Article.

1 (b) On or before December 1, 2025, the State Department of Education shall
 2 compile the reports required under subsection (a) of this section and submit the report and
 3 a copy of the regulations adopted under § 7–801(c) of the Education Article as enacted by
 4 Section 1 of this Act to the Senate Education, Health, and Environmental Affairs
 5 Committee and the House Committee on Ways and Means, in accordance with § 2–1257 of
 6 the State Government Article.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 July 1, 2021. It shall remain effective for a period of 5 years and, at the end of June 30,
 9 2026, this Act, with no further action required by the General Assembly, shall be abrogated
 10 and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.