



## WICOMICO COUNTY, MARYLAND

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WICOMICO COUNTY COUNCIL  
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February 5, 2020

Delegate Carl L. Anderton, Jr.  
Maryland House of Delegates  
House Office Bldg., Room 310  
6 Bladen Street  
Annapolis, MD 21401

Dear Delegate Anderton:

This letter is in support of amending the Transportation Article, Section 11-54, and the Education Article, Section 7-801, of the Annotated Code of Maryland to authorize the Wicomico County Board of Education to provide transportation to and from school for certain students using a vehicle, such a van or passenger vehicle, under certain circumstances, as shown in the form attached hereto.

The law currently requires students to be transported to and from school as well as extra and co-curricular activities by a Type I/II school bus. There are, however, federal mandates and state programs that require certain students to be transported to and from school from areas outside Wicomico County. This is challenging when there are limited resources and it is not always possible to use a Type I/II school vehicle. A waiver may be granted each year by the State Superintendent of Schools to use alternate vehicles, but the approval does not permit transportation to and from school.

This amendment will allow the county board of education to utilize existing vehicles when necessary, which will improve the overall effectiveness and efficiency of the transportation system.

We thank you for your time and consideration of request. If you have any questions or concerns, please do not hesitate to contact the Council Office at 410-548-4696.

Sincerely,

Larry W. Dodd,  
County Council President

Enclosure

cc: Wicomico County Council

F1, R2

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: Baker  
Typed by: Summer  
Stored – 01/23/20  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

By: Chair, Wicomico County Delegation

A BILL ENTITLED

1 AN ACT concerning

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

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; altering a certain definition; and  
6 generally relating to vehicles for student transportation and county boards of  
7 education.

8 BY repealing and reenacting, without amendments,  
9 Article – Transportation  
10 Section 11–154  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 7–801  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



Article – Transportation

1

2 11–154.

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

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

7 (2) Is:

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

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

10 (iii) A vehicle that:

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

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

17 3. Is used only for transporting children to and from a Head  
18 Start program.

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

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

22 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under  
23 § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and  
24 used to transport children between one or more schools or licensed child care centers or to

1 and from designated areas that are approved by the Administration if:

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

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

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

8 (iv) The vehicle is equipped with proper seat belts or safety seats so  
9 as to permit each child to be secured in a seat belt or a safety seat as required by §§  
10 22-412.2 and 22-412.3 of this article.

11 **Article - Education**

12 7-801.

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

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

17 (II) **"NONPUBLIC SCHOOL" INCLUDES AN ELEMENTARY OR**  
18 **SECONDARY SCHOOL IN CALVERT COUNTY THAT DOES NOT RECEIVE STATE AID.**

19 (3) "Public school bus" includes any other conveyance used to transport  
20 students to a public school.

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

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

1 (C) A COUNTY BOARD MAY PROVIDE TRANSPORTATION TO AND FROM  
2 SCHOOL USING A VEHICLE OTHER THAN A TYPE I OR TYPE II SCHOOL VEHICLE, AS  
3 DEFINED IN § 11-154 OF THE TRANSPORTATION ARTICLE, WHEN A SCHOOL  
4 VEHICLE CANNOT REASONABLY BE PROVIDED FOR THE FOLLOWING PUBLIC  
5 SCHOOL STUDENTS:

- 6 (1) PRESCHOOL STUDENTS;
- 7 (2) STUDENTS RECEIVING SPECIAL EDUCATION SERVICES;
- 8 (3) HOMELESS YOUTH;
- 9 (4) CHILDREN IN FOSTER CARE;
- 10 (5) STUDENTS INACCESSIBLE TO SCHOOL BUSES;
- 11 (6) STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT;
- 12 (7) STUDENTS IN DUAL ENROLLMENT PROGRAMS OR WORK  
13 PROGRAMS; OR
- 14 (8) OTHER STUDENTS ON A WRITTEN DETERMINATION OF THE  
15 COUNTY BOARD.

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

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

- 21 (i) If there is sufficient capacity on the school bus;
- 22 (ii) If the student resides on, along, or near a public highway in the  
23 county on which a public school bus or conveyance operates;
- 24 (iii) If the student resides in the public school transportation district