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By: **Delegates Marriott, C. Davis, and Branch**  
Introduced and read first time: February 13, 1998  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Education - School Bus Contractors - Transportation of Handicapped**  
3                                   **Children**

4 FOR the purpose of requiring a county board of education to award multiple contracts  
5 to transport handicapped children; prohibiting a county board of education from  
6 awarding those school bus route contracts to a single prime contractor; and  
7 generally relating to the award of contracts for the transportation of  
8 handicapped children.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 5-112(c) and 8-410  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1997 Supplement)

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

16                                   **Article - Education**

17 5-112.

18 (c) (1) A contract for the school building, improvements, supplies, or other  
19 equipment shall be awarded to the lowest responsible bidder who conforms to  
20 specifications with consideration given to:

- 21 (i) The quantities involved;
- 22 (ii) The time required for delivery;
- 23 (iii) The purpose for which required;
- 24 (iv) The competency and responsibility of the bidder; and
- 25 (v) The ability of the bidder to perform satisfactory service.

1 (2) WHEN AWARDING CONTRACTS FOR SCHOOL BUS ROUTES TO  
2 TRANSPORT HANDICAPPED CHILDREN AS PROVIDED UNDER § 8-410 OF THIS  
3 ARTICLE, THE COUNTY BOARD:

4 (I) SHALL AWARD THE CONTRACTS TO AT LEAST THE TWO LOWEST  
5 RESPONSIBLE BIDDERS; AND

6 (II) MAY NOT AWARD THE SCHOOL BUS ROUTE CONTRACTS TO A  
7 SINGLE PRIME CONTRACTOR.

8 [(2)] (3) The county board may reject any and all bids and readvertise  
9 for other bids.

10 8-410.

11 (a) Each county board shall provide or arrange for the transportation during  
12 the regular school year of each handicapped child who is in a placement approved in  
13 conformity with §§ 8-404 and 8-406 of this subtitle and applicable bylaws of the  
14 State Board and standards in:

15 (1) A public school;

16 (2) A school maintained by a State agency; and

17 (3) A nonpublic school.

18 (B) (1) EACH COUNTY BOARD SHALL AWARD AT LEAST TWO SCHOOL BUS  
19 ROUTE CONTRACTS FOR THE TRANSPORTATION OF HANDICAPPED CHILDREN.

20 (2) A COUNTY BOARD MAY NOT AWARD ALL OF THE SCHOOL BUS ROUTE  
21 CONTRACTS FOR THE TRANSPORTATION OF HANDICAPPED CHILDREN TO A SINGLE  
22 PRIME CONTRACTOR.

23 [(b)] (C) The county board of the county in which the handicapped child  
24 resides shall certify and pay the cost of his daily or other reasonable transportation to  
25 school under the rules and regulations adopted by the State Board if:

26 (1) The school is outside this State or the county in which the child  
27 resides; and

28 (2) State aid has provided for the education of the child under this  
29 subtitle.

30 [(c)] (D) (1) The rules and regulations adopted by the State Board shall take  
31 into consideration any hardship cases that reasonably may require additional  
32 expenses to guarantee adequate transportation during the regular school year.

33 (2) In addition to providing advice to the Motor Vehicle Administration  
34 under § 25-110 of the Transportation Article regarding the adoption by the  
35 Administration of rules and regulations relating to the safe operation of school  
36 vehicles, including vehicles and equipment appropriate for transporting handicapped

1 children, the Department shall adopt guidelines which set minimum standards to  
2 meet in each of the following categories:

3                   (i)       The qualifications for hiring and training of drivers and aides,  
4 including private contract personnel, involved in handling and transporting  
5 handicapped children to Level V nonpublic special education facilities; and

6                   (ii)       The appropriate length of time and distance for transporting  
7 handicapped children to Level V nonpublic special education facilities.

8       [(d)]   (E)       (1)       By July 1 of each year any county that has 25 or more  
9 handicapped children attending Level V nonpublic education facilities shall submit to  
10 the State Department a detailed report, including any rules and regulations it has  
11 adopted since the submission of its last report, which outline the county's compliance  
12 with the State Department adopted guidelines for the transportation of handicapped  
13 children to Level V nonpublic special education facilities.

14                   (2)       The State Department shall annually:

15                   (i)       Review each applicable county's plan or procedures for  
16 transporting handicapped children to Level V nonpublic special education facilities  
17 for compliance with the State Department's guidelines; and

18                   (ii)       Advise a county as to whether its plan or procedures are in  
19 compliance.

20       [(e)]   (F)       In both the adoption of guidelines under subsection [(c)] (D) (2) of  
21 this section and the annual review under subsection [(d)] (E) of this section of each  
22 applicable county's plan or procedures for transporting children to Level V nonpublic  
23 special education facilities, the State Department shall:

24                   (1)       Take into consideration the particular circumstances and needs of  
25 each applicable county, including the differences among urban and rural counties; and

26                   (2)       Recognize the need for flexibility on an individual client basis.

27       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 1998.