

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 440

(Delegate Pena-Melnyk, *et al.*)

Environmental Matters

Judicial Proceedings

Education - School Vehicles - Authorized Riders

This bill prohibits a school vehicle driver from allowing certain individuals who are not students or school employees to board or ride on the school vehicle. An individual may board and ride on a school bus if the individual is serving as a school vehicle attendant and the individual is (1) an employee of the local school system or transportation company that operates the school vehicle; (2) otherwise authorized by the local school system; or (3) a nurse, aide, or other individual assigned or authorized to work with a student according to the student's individualized education program, 504 plan under the Federal Rehabilitation Act of 1973, or other student-specific written plan.

The bill also requires the school vehicle attendant to possess photo identification that identifies the local school system or transportation company that employs the individual as a school vehicle attendant, or another authorizing document issued by the local school system that authorizes the individual to act as a school vehicle attendant for a child on the school vehicle. Finally, an individual may board and ride on the school vehicle with written permission from the local school system.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) and the Motor Vehicle Administration can update or expand existing regulations as necessary with budgeted personnel and resources. The bill is generally directed at local school systems and school bus contractors.

Local Effect: In some counties, providing school bus attendants with photo identification badges that meet the specifications of the bill may increase expenditures minimally.

Small Business Effect: Minimal. It is assumed that any costs incurred by small business bus contractors for photo identification badges will be passed onto the local school systems.

Analysis

Current Law: According to Title 13A of the Code of Maryland Regulations, before riding in the capacity of a school vehicle attendant on a school vehicle with students on board, a school vehicle attendant must complete a minimum of two hours of pre-service instruction that includes one hour of instruction in first aid and one hour of instruction appropriate to the duties of the attendant. Annually, an attendant must complete two hours of in-service instruction in topics that include equipment, student management, and first aid.

In addition, a school vehicle attendant must be in good health, mature, able to discharge the duties of the position, and able to command the respect of others. An attendant must also be able to exercise sound judgment to make appropriate decisions in emergency situations.

An individual may not serve as a school vehicle attendant if the individual has been convicted of a criminal charge or if a criminal charge is pending for a crime involving (1) child abuse or neglect; (2) contributing to the delinquency of a minor; (3) moral turpitude, if the offense bears directly on the individual's fitness to assist minors; (4) a crime of violence; or (5) any conduct that may endanger the safety of students being transported. In addition, an individual who pleads guilty or *nolo contendere* with respect to, is placed on probation before judgment with respect to, or is convicted of, one of those crimes is permanently disqualified from serving as a school vehicle attendant.

An individual who pleads guilty or *nolo contendere* with respect to, or is convicted of, an alcohol or controlled substance offense as defined in federal or State law is disqualified from serving as a school vehicle attendant for a period of 10 years from the date of action. Misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety may be grounds for disqualification and termination by the supervisor of transportation. MSDE's Office of Pupil Transportation must maintain a confidential computer database of attendants who have been disqualified.

Background: According to MSDE, all local school systems require school bus attendants to possess some form of identification badges, except that Baltimore City may not require school bus contractor employees acting as school bus attendants to possess identification. (In Baltimore City, some school bus attendants are school system employees and some are school bus contractor employees.) However, Baltimore City

advises that attendants, whether employed by the school system or contractors, are required to have City Schools identification.

Additional Information

Prior Introductions: SB 359 of 2013 passed the Senate and passed the House with amendments, but the House amendments were not acted on by the Senate before *Sine die*. Its cross file, HB 530 passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. A similar bill, SB 312 of 2012 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 606, received an unfavorable report from the House Environmental Matters Committee.

Cross File: SB 58 (Senator Pugh) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford and Montgomery counties; Maryland State Department of Education; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2014
mc/rhh Revised - Enrolled Bill - May 14, 2014

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