

Chapter 197

(House Bill 72)

AN ACT concerning

County Boards of Education – Student Transportation – Vehicles and Report

FOR the purpose of authorizing a county board of education to provide transportation to and from school for certain students using a vehicle other than a certain type of school vehicle under certain circumstances; requiring the State Department of Education, in consultation with county boards of education and the Motor Vehicle Administration, to adopt certain regulations; requiring each county board to submit a certain report to the Department on or before a certain date; requiring the Department to compile certain reports and submit a certain report to certain committees of the General Assembly on or before a certain date; altering the definition of “contracting agency” used for a certain application requirement to include an entity providing transportation in accordance with this Act; altering a certain definition; providing for the termination of this Act; and generally relating to vehicles for student transportation and county boards of education.

BY repealing and reenacting, without amendments,

Article – Transportation
 Section 11–154
 Annotated Code of Maryland
 (2020 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education
Section 6–113.2(a)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 6–113.2(a)(3) and 7–801
 Annotated Code of Maryland
 (2018 Replacement Volume and 2020 Supplement)

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

Article – Transportation

11–154.

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

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

(2) Is:

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

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

(iii) A vehicle that:

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

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

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

(b) “School vehicle” does not include:

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

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

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

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

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

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

Article – Education

6–113.2.

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

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

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

7–801.

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

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

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

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

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

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

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

- (I) **PRESCHOOL-AGE STUDENTS;**
- (II) **STUDENTS WITH DISABILITIES;**
- (III) **HOMELESS YOUTH;**
- (IV) **CHILDREN IN FOSTER CARE;**
- (V) **STUDENTS WITHOUT ACCESS TO SCHOOL BUSES;**
- (VI) **STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT; OR**

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

(ii) other vehicles authorized under § 7–801(c) of the Education

Article;

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

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

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

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

Approved by the Governor, May 18, 2021.