

# SENATE BILL 448

F1, R2

(11r1981)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senator Edwards**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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.

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, without amendments,  
 2 Article – Transportation  
 3 Section 11–154  
 4 Annotated Code of Maryland  
 5 (2020 Replacement Volume)

6 BY repealing and reenacting, without amendments,  
 7 Article – Education  
 8 Section 6–113.2(a)(1)  
 9 Annotated Code of Maryland  
 10 (2018 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Education  
 13 Section 6–113.2(a)(3) and 7–801  
 14 Annotated Code of Maryland  
 15 (2018 Replacement Volume and 2020 Supplement)

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

18 **Article – Transportation**

19 11–154.

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

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

24 (2) Is:

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

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

27 (iii) A vehicle that:

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

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

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

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

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

6 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under  
7 § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and  
8 used to transport children between one or more schools or licensed child care centers or to  
9 and from designated areas that are approved by the Administration if:

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

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

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

16 (iv) The vehicle is equipped with proper seat belts or safety seats so  
17 as to permit each child to be secured in a seat belt or a safety seat as required by §§  
18 22–412.2 and 22–412.3 of this article.

### 19 Article – Education

20 6–113.2.

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

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

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

28 7–801.

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

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

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

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

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

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

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

19                           **(I)**   **PRESCHOOL–AGE STUDENTS;**

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

21                           **(III)**   **HOMELESS YOUTH;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (a) On or before September 1, ~~2023~~ 2025, each county board of education shall  
28 submit a report to the State Department of Education on the provision of student  
29 transportation to and from school using Type I or Type II school vehicles or other vehicles  
30 in accordance with § 7-801(c) of the Education Article as enacted under Section 1 of this  
31 Act for the ~~5-year~~ 7-year period from the 2018-2019 school year through the ~~2022-2023~~  
32 2024-2025 school year, including:

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

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

- 1 (i) Type I or Type II school vehicles; and
- 2 (ii) other vehicles authorized under § 7-801(c) of the Education  
 3 Article;
- 4 (3) the number of county transportation employees with benefits employed  
 5 by the county board each year and whether these types of employees decreased as a result  
 6 of the authority granted under § 7-801(c) of the Education Article; and
- 7 (4) the types of public school students transported in other vehicles under  
 8 § 7-801(c) of the Education Article.
- 9 (b) On or before December 1, ~~2022~~ 2025, the State Department of Education shall  
 10 compile the reports required under subsection (a) of this section and submit the report and  
 11 a copy of the regulations adopted under § 7-801(c) of the Education Article as enacted by  
 12 Section 1 of this Act to the Senate Education, Health, and Environmental Affairs  
 13 Committee and the House Committee on Ways and Means, in accordance with § 2-1257 of  
 14 the State Government Article.
- 15 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 16 July 1, 2021. It shall remain effective for a period of ~~3~~ 5 years and, at the end of June 30,  
 17 ~~2024~~ 2026, this Act, with no further action required by the General Assembly, shall be  
 18 abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.