

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 448

(Senator Edwards)

Education, Health, and Environmental Affairs

Ways and Means

County Boards of Education - Student Transportation - Vehicles and Report

This bill authorizes a county board of education to provide transportation for specified public school students to and from school using a vehicle other than a Type I or Type II school vehicle when a school vehicle cannot reasonably be provided. The Maryland State Department of Education (MSDE) must consult with county boards of education and the Motor Vehicle Administration to adopt regulations establishing minimum vehicle and driver safety standards for alternate student transportation under the bill.

The bill also broadens the definition of nonpublic school with respect to the transportation of students to mean any elementary or secondary school in the State that is not part of the public elementary and secondary education system. Local school systems must report to MSDE on the provision of student transportation in accordance with the bill's changes by September 1, 2025; MSDE must compile the reports (in addition to other specified information) and submit a report to the General Assembly by December 1, 2025. **The bill takes effect July 1, 2021, and terminates June 30, 2026.**

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: Local expenditures for student transportation services may decrease in certain local school systems. Local boards of education can consult with and report to MSDE using existing budgeted resources. Revenues are not affected.

Small Business Effect: Potential meaningful. Transportation companies may experience increased business from contracting with local school systems to transport students under the bill.

Analysis

Bill Summary: The bill alters the definition of “contracting agency” to clarify that an entity providing transportation in accordance with the bill’s changes is subject to provisions of State law that require an applicant for a position involving direct contact with minors to provide specified information prior to beginning employment.

The bill’s authorization to transport students using a vehicle other than a Type I or Type II school vehicle applies for (1) preschool-age students; (2) students with disabilities; (3) homeless youth; (4) children in foster care; (5) students without access to school buses; (6) students in a nonpublic school placement; or (7) students in dual enrollment programs or work programs or other educational programs based off the school campus. A county board may provide transportation to a different student group, as well, through a written determination by the board.

Reporting Requirement

By September 1, 2023, each local school system must submit a report to MSDE on the provision of student transportation to and from school using Type I or Type II school vehicles (or other vehicles in accordance with the bill’s changes) for the five-year period from the 2018-2019 school year through the 2022-2023 school year, including:

- the types of vehicles used and the owner of the vehicles;
- the number of contractors used to provide transportation in (1) Type I or Type II school vehicles and (2) other vehicles authorized under State law;
- the number of county transportation employees with benefits employed by the county board each year and whether these employees decreased as a result of the bill; and
- the types of public school students transported in other vehicles as authorized by the bill.

By December 1, 2023, MSDE must compile the required reports and submit a report (including a copy of adopted regulations) to the General Assembly.

Current Law: MSDE generally requires Type I and Type II school vehicles to be used to transport students to and from school and school related activities when local school system sponsored transportation services are provided. However, MSDE does allow other vehicles to be used if (1) the vehicle is a taxicab; (2) only one student is transported; or (3) the vehicle used is a commercial motor coach. Additionally, another vehicle may be used if a county board of education submits a waiver to the State Superintendent of Schools and

receives special approval in writing. MSDE receives an average of 10 waiver requests each year.

Type I and Type II school vehicles are yellow school buses.

Local Expenditures: Local school expenditures for student transportation services may decrease to the extent that local school systems utilize nonschool vehicles to transport certain public school students. The additional flexibility provided by the bill will enable local school systems to utilize less costly ways to transport students in unique situations. In addition, local school expenditures will decrease in situations where very few students are being transported by school bus and could all fit safely into a smaller, less expensive vehicle. MSDE indicates that the cost of a traditional diesel-powered school bus can start around \$90,000.

MSDE indicates that this bill will allow local school systems to purchase and use vehicles other than traditional school buses to transport students to and from school. MSDE has had a long-standing prohibition on the use of nonschool vehicles to transport public school students unless they meet certain requirements as established in COMAR. According to MSDE, nonschool vehicles do not meet the safety standards found under the federal motor vehicle safety standards and regulations that pertain to school vehicles. Additionally, these vehicles would not be covered under existing State regulations pertaining to school bus inspections. Furthermore, since drivers of nonschool vehicles are not required to possess a commercial driver license, public schools may be able to bypass a number of federal, State, and locally mandated requirements. MSDE advises that without a commercial driver license, drivers of nonschool vehicles may not receive specialized driver training, a criminal background check, a periodic medical fitness examination, drug and alcohol testing, or ongoing checks for driving violations.

Additional Comments: Local school systems spent \$637.3 million on student transportation services in fiscal 2018 as shown in **Appendix 1**. On a per pupil basis, statewide student transportation costs averaged \$688, with the per pupil amount ranging from \$448 in Frederick County to \$1,184 in Garrett County. Three other local school systems (Charles, Somerset, and Worcester) had per pupil student transportation costs exceeding \$1,000.

Approximately 650,000 public school students receive transportation services. Local school systems in six counties (Baltimore, Frederick, Montgomery, Prince George's, Talbot, and Washington) primarily use government-owned school vehicles to transport students; whereas, two local school systems (Caroline and Kent) use a combination of government-owned and private contractors. Local school systems in the other jurisdictions primarily use private contractors to transport students. In total, local school systems use over 7,200 school vehicles for student transportation services.

Additional Information

Prior Introductions: HB 1234 of 2020, as amended, passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: HB 72 (Delegate Anderton) - Ways and Means.

Information Source(s): Maryland State Department of Education; Maryland Department of Transportation; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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Appendix 1
Student Transportation Statistics
Maryland Public Schools

School System	Number of Vehicles			Total Miles Traveled			Pupils Eligible for Transportation			Transportation Costs
	Public	Contracted	Total	Nondisabled	Disabled	Total	Nondisabled	Disabled	Total	Total Amount
Allegany	19	85	104	1,144,512	379,584	1,524,096	5,374	245	5,619	\$5,921,892
Anne Arundel	54	571	625	8,578,891	3,120,510	11,699,401	61,399	1,952	63,351	56,750,072
Baltimore City	36	398	434	2,136,194	492,962	2,629,156	29,931	2,980	32,911	47,046,560
Baltimore	670	138	808	10,345,431	5,091,900	15,437,331	80,036	3,980	84,016	69,316,982
Calvert	0	140	140	2,294,382	1,039,986	3,334,368	15,132	346	15,478	14,430,714
Caroline	23	35	58	801,289	176,288	977,577	4,745	100	4,845	4,172,816
Carroll	0	259	259	3,437,125	1,857,947	5,295,072	24,036	487	24,523	21,629,306
Cecil	10	143	153	2,130,694	479,062	2,609,756	13,940	263	14,203	10,745,460
Charles	4	285	289	4,681,416	2,541,322	7,222,738	23,789	845	24,634	27,650,247
Dorchester	8	49	57	772,236	217,591	989,827	4,145	113	4,258	3,882,282
Frederick	355	0	355	4,882,992	2,724,858	7,607,850	29,249	1,073	30,322	21,666,212
Garrett	0	62	62	789,480	182,130	971,610	3,782	44	3,826	4,116,990
Harford	97	334	431	5,433,816	2,174,665	7,608,481	31,643	901	32,544	31,633,212
Howard	0	468	468	2,971,080	2,429,100	5,400,180	41,989	1,709	43,698	39,011,564
Kent	18	10	28	415,413	128,257	543,670	1,630	27	1,657	1,954,490
Montgomery	1,191	0	1,191	10,546,110	9,611,959	20,158,069	98,625	5,930	104,555	115,706,066
Prince George's	1,025	8	1,033	11,779,757	7,938,167	19,717,924	82,406	4,733	87,139	103,469,529
Queen Anne's	14	73	87	1,603,667	489,600	2,093,267	7,642	107	7,749	7,115,765
St. Mary's	13	190	203	2,988,225	1,149,403	4,137,628	17,437	467	17,904	16,752,171
Somerset	0	32	32	664,081	115,254	779,335	2,746	85	2,831	3,074,050
Talbot	41	0	41	707,709	174,889	882,598	4,344	74	4,418	2,689,705
Washington	142	51	193	2,360,569	808,199	3,168,768	19,194	545	19,739	12,246,269
Wicomico	22	106	128	1,754,376	319,308	2,073,684	12,679	194	12,873	9,408,765
Worcester	0	69	69	1,512,469	141,389	1,653,858	6,248	107	6,355	6,886,663
Total State	3,742	3,506	7,248	84,731,914	43,784,330	128,516,244	622,141	27,307	649,448	\$637,277,781

Note: Data for number of school vehicles, miles traveled, and students transported is from fiscal 2019. Student transportation costs is from fiscal 2018.

Source: Maryland State Department of Education; Department of Legislative Services