



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 26, 2021

SUBJECT: COMAR 13A.02.06.07A
State Financial Assistance Under the Disabled Student Transportation Grant
COMAR 13A.06.07.15B
Reporting Requirements
COMAR 13A.06.07.18B
Transportation Grant for Increased Ridership of Students with Disabilities
WITHDRAWAL OF PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to withdraw permission to publish amended regulations for COMAR 13A.02.06.07A *State Financial Assistance Under the Disabled Student Transportation Grant*, 13A.06.07.15B *Reporting Requirements*, and 13A.06.07.18B *Transportation Grant for Increased Ridership of Students with Disabilities* that relate to special education student counts for transportation.

At the December 8, 2020, State Board Meeting, the State Board granted permission to publish amendments to COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant* and the three regulations noted above. Upon further consideration and with additional information, the Maryland State Department of Education (MSDE) has determined that it is necessary to move forward only with COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant*. This regulation relies upon the special education child count data required to be submitted by October 1 annually; therefore, this timeline must be updated.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public

comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

Section 618 of the *Individuals with Disabilities Education Act (IDEA)* requires that each state submit data about the children with disabilities, ages 3 through 21, who receive special education and related services under Part B of *IDEA*. Child count dates are required to be on or between October 1st and December 1st annually. The Division of Early Intervention and Special Education Services (DEI/SES) has revised its child count date from the last Friday in October to October 1st annually to more closely align with the MSDE's September 30th enrollment date. The counts for transportation as covered in COMAR 13A.02.06.07A *State Financial Assistance Under the Disabled Student Transportation Grant*, 13A.06.07.15B *Reporting Requirements*, and 13A.06.07.18B *Transportation Grant for Increased Ridership of Students with Disabilities* have remained the last Friday in October. As the Transportation Grant relies on data submitted by the local school systems outside of the special education child count, it is not necessary to change these regulations at this time.

EXECUTIVE SUMMARY:

The annual federally submitted student count date for transportation for students with disabilities proposed amendments to the COMAR 13A.02.06.07A *State Financial Assistance Under the Disabled Student Transportation Grant*, 13A.06.07.15B *Reporting Requirements*, and 13A.06.07.18B *Transportation Grant for Increased Ridership of Students with Disabilities* should remain the last Friday in October.

ACTION:

Request permission to withdraw the decision to publish amendments to COMAR 13A.02.06.07A *State Financial Assistance Under the Disabled Student Transportation Grant*, 13A.06.07.15B *Reporting Requirements*, and 13A.06.07.18B *Transportation Grant for Increased Ridership of Students with Disabilities*.

ATTACHMENTS:

COMAR 13A.02.06.07A *State Financial Assistance Under the Disabled Student Transportation Grant*
COMAR 13A.06.07.15B *Reporting Requirements*
COMAR 13A.06.07.18B *Transportation Grant for Increased Ridership of Students with Disabilities*

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 06 General Financial Aid to Local School Systems

Authority: Education Article, §§2-205, 5-202, 5-205—5-209, 7-101, 7-101.1, 8-101—8-105, 8-403, and 8-404, Annotated Code of Maryland

.07 State Financial Assistance Under the Disabled Student Transportation Grant.

A. A disabled student may be counted as eligible for State aid under the disabled student transportation grant if:

- (1) The student is between age 3 and age 21;
- (2) The student is enrolled in a public school in a local school system;
- (3) Special transportation services are identified as a related service for a free appropriate public education in the student's individualized education program; and
- (4) The student is receiving services as of [the last Friday in] October 1st of the prior fiscal year.

B. The service providing local school system may include a student enrolled as the result of an out-of-county living arrangement under Education Article, §4-122, Annotated Code of Maryland, in its count for the purpose of calculating State aid under the disabled student transportation grant if the student meets all other eligibility requirements.

C. If a local school system provides services to a nonlocal resident student under Education Article, §4-121, Annotated Code of Maryland, the local school system may include the nonlocal resident student in its enrollment count for the purpose of calculating State aid under the disabled student transportation grant if the student meets all other eligibility requirements.

Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

Chapter 07 Student Transportation

Authority: Education Article, §§2-205, 5-205, and 8-410, Annotated Code of Maryland

.15 Reporting Requirements.

A. Accident Reporting. By September 1 of each year, the supervisor of transportation shall submit a report through the Department's electronic reporting system for each school vehicle accident occurring during the previous fiscal year, for both publicly owned and contract vehicles. Only accidents that involve personal injury or appreciable damage shall be reported to the Department.

B. Number of Students Transported. By November 30 of each year, the supervisor of transportation shall submit a report, in the format required by the Department and signed by the local superintendent of schools, of the number of students transported on [the last Friday of] October 1st of that year, including distinct information on the number of disabled students transported.

C. Operational Reporting. By July 15 of each year, the supervisor of transportation shall submit reports of the number of vehicles and the number of miles and hours of route operations for the previous fiscal year on the form required by the Department.

D. Alcohol and Controlled Substances Testing. By March 15 of each year, the local supervisor of transportation shall submit an annual summary for the prior calendar year concerning the alcohol and controlled substances testing program, test results, and employment actions taken with respect to school vehicle drivers in the format required by the Department.

E. Annual Report on Students with Disabilities.

(1) By July 15 of each year, each local school system shall submit a report for the previous fiscal year to the Department's Office of Pupil Transportation, in the format required by the Department, that includes:

(a) Certification of preservice and in-service instruction provided to school vehicle drivers, attendants, and taxicab drivers on disabling conditions, behavior management techniques, passenger safety restraints, emergency procedures, and other appropriate topics; and

(b) Local regulations, policies, or procedures adopted since the submission of the last report for the transportation of students with disabilities.

(2) The Department shall annually review each applicable local school system's report for transporting students with disabilities.

.18 Transportation Grant for Increased Ridership of Students with Disabilities.

A. Grants for the transportation of students with disabilities in the amount specified in Education Article, §5-205, Annotated Code of Maryland, shall be distributed on a bimonthly basis.

B. The disabled student transportation grant shall be distributed to each local board of education. The amount of the grant shall be based upon the number of disabled students requiring special transportation services who were transported by a local board of education, on **[the last Friday of]** October **1st** of the prior fiscal year.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools