

Small Entity Compliance Guide

COMAR 13A.06.07 STUDENT TRANSPORTATION

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INTRODUCTION

This Maryland State Department of Education, Office of Pupil Transportation (hereinafter “the Agency”), has prepared this document as the “Small Entity Compliance Guide” required by Chapter 212 of the Maryland Laws of 2019. This Guide summarizes and explains the new regulation published by the Maryland State Board of Education (hereinafter “State Board”), but is not a substitute for any regulation itself. Only the regulation itself can provide complete and definitive information regarding its requirements.

PURPOSE OF THE REGULATORY ACTION

Following the 2021 legislative session, House Bill (HB) 72 County Boards of Education – Student Transportation – Vehicles and Report was passed and signed by Governor Larry Hogan on May 18, 2021. This law authorizes local boards of education to provide transportation for certain groups of students in vehicles that are not Type I or Type II school vehicles (school buses). Historically, under COMAR 13A.06.07.11C, local boards of education had to submit to the State Superintendent of Schools a request in writing asking for permission to operate non-school bus vehicles each academic school year. The State Superintendent of Schools had to provide special approval in writing before students could be transported in non-school bus vehicles. Additionally, the MSDE historically prohibited the transportation of students from home to school and school to home.

With the passing of HB 72, the MSDE Office of Pupil Transportation convened an advisory committee comprised of the Maryland Association of Pupil Transportation (MAPT), local transportation directors from across the State, and representatives from the Motor Vehicle Administration (MVA). The Advisory Committee was tasked with providing recommendations to the MSDE for minimum driver standards and minimum vehicle standards that would be incorporated into COMAR 13A.06.07 Student Transportation. The advisory committee met virtually three times and provided valuable insight into the intended use of these vehicles.

On August 24, 2021 the State Board granted permission to publish revised regulations .01—.21 under Code of Maryland Regulations (COMAR) 13A.06.0-7 Student Transportation.

DEFINITIONS

“Alternative School Vehicle” means a vehicle that is used to transport pupils from home to school or school to home as well as to and from school related activities that is neither a Type I nor a Type II school vehicle as stated in Transportation

“Alternative School Vehicle Driver” means a driver who is seeking or has been exclusively certified at the local level to operate an alternative school vehicle. “

“Multifunction School Activity Bus (MFSAB)” means:

- (a) An alternative school vehicle that meets school bus construction standards;
- (b) May not be used to transport students to and from home or school bus stops;
- (c) Does not have traffic control equipment; and
- (d) Is not painted “school bus yellow”

“Taxicab” has the meaning stated in COMAR 20.90.02.04

SUMMARY OF THE MAJOR PROVISIONS

As stated in the Maryland Register, the regulations include the following:

- Defining the terms “Alternative School Vehicle”, “Alternative School Vehicle Driver”, “Multifunction School Activity Bus (MFSAB)” and “Taxicab” to be listed under COMAR 13A.06.07.01, Definitions;
- Adding “a public residential education program under Education Article §8-701, Annotated Code of Maryland” under .03 program to include a residential program such as the SEED school under its regulations;
- Adding a section .09 regarding the Driver Qualifications and Disqualifications of “Alternative School Vehicle Drivers”, which will include the minimum standards that must be met by this new classification of school vehicle driver. Minimum standards include background checks, driving record review, drug testing, and training for a minimum of four hours of classroom instruction and one hour of behind the wheel training;
- Amending the period of time that local school systems have to submit their roster of active school vehicle drivers and attendants to now fall on the first business day of the month. Additionally, amending the period of time that the Office of Pupil Transportation has to run the required reports against the Disqualified Driver Database and report back to transportation directors;
- Amending COMAR 13A.06.07.11 General Standards to remove the approval in writing from the State Superintendent of Schools to operate non-Type I and Type II school vehicles. Additionally, add minimum vehicle specifications and inspections for “alternate school vehicles”; and
- Amending chapter numbers following the addition of the new chapter .09 “Alternative School Vehicle Driver”.

COMPLIANCE DATE FOR ENTITIES SUBJECT TO THESE REGULATIONS

The tentative date of adoption of these regulations is December, 2020.

ENTITIES SUBJECT TO THE REGULATIONS

This chapter applies to the local school systems and a public residential education program under Education Article §8-701, Annotated Code of Maryland that provide transportation services for public school students, students with disabilities for whom transportation is provided under Education Article, §8-410, Annotated Code of Maryland, in a public school, a school maintained by a State agency, and a nonpublic school.

ESTIMATE OF ECONOMIC IMPACT ON SMALL ENTITIES

It is unknown how many contracting agencies are considered small businesses in Maryland. Any small business defined as a contracting agency that provides a service to the school or the students of a school,

will be required to work directly with the local board of education to determine the local requirements that must be met before transporting students. Driver training and safety equipment for vehicles are some requirements that will be required by local school systems. Local policies and procedures will vary across local school systems and small business are encouraged to research the schools policies before seeking a contract with a LEA.

RESOURCES

The proposed regulations published for the Maryland State Department of Education may be found on the Department of Education's website.

TECHNICAL ASSISTANCE

The Maryland State Department of Education, Office of Pupil Transportation, is available to assist small business entities with questions regarding the proposed alternative vehicle regulations. Please direct questions by telephone to (410) 767- 0209.