



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

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TO: Members of the Maryland State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS*
DATE: February 28, 2017
SUBJECT: COMAR 13A.06.07.01-.10 (AMEND)
Student Transportation
ADOPT

PURPOSE:

The purpose of this item is to request permission to adopt proposed amendments to the Code of Maryland Regulations (COMAR) 13A.06.07.01-.10, *Student Transportation*. See Attachment 1 for a highlighted version of the proposed amendments.

The initial request for permission to publish was presented to the State Board of Education on August 23, 2016. At that time, the State Board requested additional information pertaining to the school vehicle attendant qualifications provision (13A.06.07.08B(3)). The regulation was returned to the State Board at the October 25, 2016 State Board meeting with the requested information. The State Board granted permission to publish this regulation at the October meeting.

BACKGROUND/HISTORICAL PERSPECTIVE:

Under Maryland law, a state agency, such as the State Board of Education, may propose a new 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, the Maryland State Department of Education (MSDE) staff reviews and summarizes public comments. Thereafter, the 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.

Student Transportation Regulations: As part of the periodic review of Student Transportation regulations, the MSDE Office of Pupil Transportation has conferred with local school system (LSS) transportation directors about possible revisions that may be needed. Discussions occur at the bi-annual meetings of local transportation directors that are convened by the MSDE Office of Pupil Transportation. The proposed changes were agreed upon by the majority of the transportation directors. The proposed changes stated below have been shared with LSS superintendents and no comments were received from them. No changes have been made to this Chapter of COMAR since 2007.

EXECUTIVE SUMMARY:

The State Board granted permission to publish this regulation at the October State Board meeting. The regulation was published in the Maryland Register (December 23rd – January 23rd). No comments were received.

Definitions: Appreciable Damage, 13A.06.07.01B(3)

Appreciable damage to a vehicle currently is defined as damage in excess of \$1,500. The proposed change increases the damage threshold to \$3,000. From 2008 to 2014, the Consumer Price Index categories related to motor vehicles increased an average of 2.49 percent each year (for urban consumers in the categories of motor vehicle parts and equipment, vehicle parts and equipment other than tires, motor vehicle body work, and motor vehicle repair). The proposed change brings the appreciable damage threshold adjusted for inflation to about \$1,800 in Fiscal 2016. Given that the Student Transportation regulations are not frequently revised, and that a small impact to a vehicle can easily generate significant repair costs, it is recommended that the appreciable damage threshold is increased to \$3,000.

Definitions: School Vehicle Attendant, 13A.06.07.01B(new 22)

A definition for school vehicle attendant is added to the regulation. The definition for school vehicle attendant is consistent with the definition for a school vehicle driver due to the fact that the definition includes someone who has applied for employment in the position, is currently employed by a school system or school system contractor, and is certified as having met all requirements for the position.

Definitions: School Vehicle Driver, 13A.06.07.01B(22/new23)

A provision is added to the regulations for the definition of school vehicle driver. The new provision states that a school vehicle driver means an individual who is certified and verified by the local school system as having met all local, state, and federal requirements to be a school vehicle driver.

Definitions: School Vehicle Driver Trainee, 13A.06.07.01B(23/new 24)

The definition of school vehicle driver trainee is revised to indicate that it includes individuals who have applied for employment as a vehicle driver with contractors for local school systems.

School Vehicle Attendant Qualifications and Disqualifications, 13A.06.07.08B(3)

Under current regulations, an individual who incurs an alcohol or controlled substance offense is disqualified from serving as a school vehicle attendant for 10 years from the date of the offense. The proposed change would allow an individual with an alcohol offense, but not a controlled substance offense, to serve as school vehicle attendants. Prior to 2007, alcohol offenses were not a disqualifying

event and some LSSs allowed school vehicle drivers who incurred an alcohol offense to move into the role of a school vehicle attendant.

New Information on This Provision: The Maryland State Department of Education staff polled local school transportation directors in September 2016 to clarify whether they support or oppose the change to allow an individual with an alcohol offense to serve as a vehicle attendant. All but one of the directors stated that they support the proposed change. One director did not agree with the proposed change. The director stated that attendants should be held to the same standard as vehicle drivers because attendants also have a safety-sensitive role. Twenty-three LSSs support the change and indicated their opinion that attendants are not in the same safety-sensitive category as vehicle drivers. Therefore, attendants should be held to the same code of conduct standards as non-driver employees. In addition, transportation directors indicated that school systems should retain control over non-driver codes of conduct.

Instructional Content Requirements for School Vehicle Drivers, 13A.06.07.09A(1)

The number of pre-service training hours required for school vehicle drivers is proposed to increase from six hours to eight hours. Among the 24 local school systems, only three (Kent, Queen Anne's, and Somerset) do not currently require eight hours or more of pre-service training for school vehicle drivers. Based on a survey of local jurisdictions, the state average is 15 hours of pre-service training for school vehicle driver trainees. A minimum of eight hours of pre-service training is consistent with best practices in Maryland to ensure topics such as bullying, harassment, and blood-borne pathogens are included in training.

Instructional Content Requirements for School Vehicle Driver Recertification, 13A.06.07.09C(3)

Under current regulations, school vehicle drivers who have been deleted from the school system's driver roster for more than one year must complete pre-service training requirements in order to be re-certified. The proposed change would specify that drivers who want to be re-certified also have to meet other qualifications required for new drivers, such as meeting driver licensing requirements and having a satisfactory driving record.

Instructional Content Requirements for School Vehicle Attendants, 13A.06.07.09D(1)

The number of pre-service training hours required for school vehicle attendants is proposed to increase from two hours to four hours. Among the 24 local school systems, only four (Caroline, Garrett, Somerset, and Worcester) currently require two hours of pre-service training for school vehicle attendant trainees. Based on a survey of all 24 jurisdictions, the state average is 10 hours of pre-service training for school vehicle attendants. A minimum of four hours of pre-service training is consistent with best practices in Maryland.

Alcohol and Controlled Substances Use and Testing: Reporting Disqualified Drivers, 13A.06.07.10C(1)

Local transportation supervisors are required to report any positive drug or alcohol test results to the MSDE Pupil Transportation Office within three days. The proposed change would specify that the results have to be reported within three business days.

ACTION:

Request approval to adopt the amendments to COMAR 13A.06.07.01-.10, *Student Transportation*.

(b) Meets the standards established in Regulations .02—
[.08] .07 of this chapter.

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Subtitle 04 SPECIFIC SUBJECTS

13A.04.20 Program for Barbers

Authority: Business Occupations and Professions Article, §§4-301, 4-302, 4-511, and 4-514; Education Article, §§21-201—21-203; Annotated Code of Maryland

Notice of Proposed Action [16-342-P]

The Maryland State Board of Education proposes to amend Regulations .02, .04, .05 and .07 under COMAR 13A.04.20 Program for Barbers. This action was considered by the State Board of Education at their meeting on October 25, 2016.

Statement of Purpose

The purpose of this action is to: (1) update the name of the Division of Career Technology and Adult Learning to the Division of Career and College Readiness; (2) clarify that the school—not MSDE—is responsible for submitting certifying documentation to the testing vendor; (3) update the names of student organizations cited in the regulations; (4) clarify that students work-study is conducted under a work-based learning agreement with the school; and (5) update the reference of the teacher certification from COMAR 13A.12.02.47 to 13A.12.02.15.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nina Roa, Specialist, Career and Technology Education, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-1904 (TTY 410-333-6442), or email to nina.roa@maryland.gov, or fax to 410-333-2099. Comments will be accepted through January 23, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on February 28, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 Program Completer Requirements for Barbers.

A.—B. (text unchanged)

C. Related Instruction.

(1) Related instruction, not to exceed 240 hours, may apply toward the 1,200-hour requirement when the teacher of barbering approves hours for documented student participation in any of the following activities:

(a) Organizational activities of the [Vocational Industrial Clubs of America] *Skills USA* which are directly related to the subject of barbering;

(b) (text unchanged)

(c) Work-study employment after successful completion of 800 hours of barbering instruction, which is supervised by a master barber and conducted under a work-based learning agreement with the school.

(2) (text unchanged)

D. (text unchanged)

.04 Student Records.

A. (text unchanged)

B. The student record shall:

(1) — (3) (text unchanged)

(4) Be [the basis for submitting a certificate of completion, on a form prescribed by the State Department of Education, to the State Board of Barbers] used to comply with the testing vendor's process for certifying student training and verifying student experience.

.05 Barber Teachers.

A. A barber teacher shall possess a master barber license and shall meet the teacher certification requirements in COMAR [13A.12.02.47.] 13A.12.02.15.

B. (text unchanged)

.07 Denial, Suspension, and Revocation of Approval.

A. (text unchanged)

B. Decision.

(1) The Assistant State Superintendent for the Division of Career [Technology and Adult Learning] and College Readiness shall make a recommendation to the State Board of Education to deny, suspend, or revoke approval of a barber program, stating the basis for the recommendation in writing. A copy of the recommendation shall be provided to the local school system.

(2) — (3) (text unchanged)

C. (text unchanged)

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Subtitle 06 SUPPORTING PROGRAMS

13A.06.07 Student Transportation

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

Notice of Proposed Action [16-356-P]

The Maryland State Board of Education proposes to amend Regulations .01, .08, .09, and .10 under COMAR 13A.06.07 Student Transportation. This action was considered Education Article, §§2-205, 5-205, and 8-410, Annotated Code of Maryland

Statement of Purpose

The purpose of this action is to (1) increase vehicle damage threshold to \$3,000; (2) add definition of "School Vehicle Attendant"; (3) add provision to "School Vehicle Driver"; (4) revise definition of "School Vehicle Driver Trainee"; (4) revise School Vehicle Attendant Qualifications and Disqualifications; (5) revise Instructional Content Requirements for School Vehicle Drivers, School Vehicle Driver Recertification and School Vehicle Attendants; and (6) revise reporting requirements of positive controlled substances or alcohol results.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

PROPOSED ACTION ON REGULATIONS

1504

Estimate of Economic Impact

I. Summary of Economic Impact. There will be a minimal fiscal impact on two local school systems and no fiscal impact on state agencies.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	\$100
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. In regard to the suggested change in COMAR 13A.06.07.09D(1), (School Vehicle Attendant Instruction), four LEAs (Caroline, Garrett, Somerset, and Worcester) do not currently meet the requirement. However, an increase in the required preservice instruction from 2- to 4-hours would have a minimal economic impact on only one county (Caroline), because their candidates are currently paid for training while the other three counties, Garrett, Somerset, and Worcester, do not pay for training. Caroline County Transportation Directors estimated the annual economic impact to be less than \$100.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patricia Askew, Staff Specialist, Maryland State Department of Education, Office of Pupil Transportation, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0217 (TTY 410-333-6442), or email to patricia.askew@maryland.gov, or fax to 410-333-2232. Comments will be accepted through January 23, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on February 28, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) "Appreciable damage" means property damage in excess of [\$1,500] \$3,000.

(4) — (21) (text unchanged)

(22) "School vehicle attendant" means and individual who:

(a) Has applied for employment with a local school system or an entity contracting with a local school system as a school vehicle attendant;

(b) Is employed by a school system or an entity contracting with a local school system as a school vehicle attendant; and

(c) Is certified and verified by the local school system as having met all local and state requirements to be a school vehicle attendant.

[(22)] (23) "School vehicle driver" means an individual who:

(a) — (b) (text unchanged)

(c) Is an owner-operator of a school vehicle[.]; and

(d) Is certified and verified by the local school system as having met all local, state, and federal requirements to be a school vehicle driver.

[(23)] (24) "School vehicle driver trainee" means an individual who has applied for employment with a local school system or an entity contracting with a school system and is seeking Department-required certification as a school vehicle driver.

[(24)] (25) — [(32)] (33) (text unchanged)

School Vehicle Attendant Qualifications and Disqualifications.

A. (text unchanged)

B. Disqualifications for Criminal Conduct.

(1) — (2) (text unchanged)

(3) An individual who pleads guilty or nolo contendere with respect to, is placed on probation before judgment with respect to, or is convicted of [an alcohol or] a controlled substance offense as defined in federal or State law is disqualified from serving as a school vehicle attendant for a period of 10 years from the date of the action.

C. — D. (text unchanged)

.09 Instructional Content Requirements.

A. Preservice Instruction for School Vehicle Drivers.

(1) A trainee shall satisfactorily complete a minimum of [6] 8 hours of classroom instruction in the core units of the school bus driver instructional program developed by the Department, including:

(a) — (c) (text unchanged)

(2) — (4) (text unchanged)

B. (text unchanged)

C. School Vehicle Driver Recertification.

(1) — (2) (text unchanged)

(3) If a school vehicle driver has been deleted from the school system's driver roster for more than 1 year, the school vehicle driver shall complete [preservice instruction as required under Regulation .09A] all school vehicle trainee qualifications as required under Regulation .06A of this chapter.

D. School Vehicle Attendant Instruction.

(1) Preservice Instruction. Before riding in the capacity of a school vehicle attendant on a school vehicle with students on board, a school vehicle attendant shall complete a minimum of [2] 4 hours of preservice instruction that includes:

(a) — (b) (text unchanged)

(2) (text unchanged)

E. (text unchanged)

.10 Alcohol and Controlled Substances Use and Testing.

A. — B. (text unchanged)

C. Reporting Disqualified Drivers.

(1) The supervisor of transportation shall notify the Department's Office of Pupil Transportation within 3 business days of receipt of positive controlled substances or alcohol test results.

(2) — (5) (text unchanged)
 D. — F. (text unchanged)

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Subtitle 12 CERTIFICATION

13A.12.04 Administrators and Supervisors

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705,
 Annotated Code of Maryland

Notice of Proposed Action
 [16-343-P]

The Professional Standards and Teacher Education Board proposes to amend Regulation .04 under COMAR 13A.12.04 Administrators and Supervisors. This action was considered by the Professional Standards and Teacher Education Board at their meeting on May 5, 2016 and the Maryland State Board of Education at their meeting on October 25, 2016.

Statement of Purpose

The purpose of this action is to align the regulatory language to reflect the current Professional Standards for Educational Leaders.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Sarah Spross, Assistant State Superintendent, Division of Educator Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 (TTY 410-333-6442) or email to sarah.spross@maryland.gov, or fax to 410-333-8963. Comments will be accepted through January 23, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on March 2, 2017, 9:30 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.04 Supervisors of Instruction, Assistant Principals, and Principals.

A. (text unchanged)

B. Administrator I.

(1) — (2) (text unchanged)

(3) Completed one of the following:

(a) A Department-approved program which leads to certification as a supervisor of instruction, assistant principal, or principal that includes the [outcomes in the Maryland instructional leadership framework] *Professional Standards for Educational Leaders*;

(b) — (c) (text unchanged)

C. — D. (text unchanged)

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**Title 13B
 MARYLAND HIGHER
 EDUCATION COMMISSION**

**Subtitle 06 GENERAL EDUCATION
 AND TRANSFER**

**13B.06.01 Public Institutions of Higher
 Education**

Authority: Education Article, §§11-105(u) and 11-207, Annotated Code of
 Maryland

Notice of Proposed Action
 [16-352-P]

The Maryland Higher Education Commission proposes to amend Regulations .02, .02-1, repeal existing Regulations .04 and .05 and adopt new Regulation .04, amend and recodify existing Regulations .06—,08 to be Regulations .05—,07, and recodify existing Regulations .09 and .10 to be Regulations .08 and .09 under COMAR 13B.06.01 Public Institutions of Higher Education. This action was considered by the Maryland Higher Education Commission at a public meeting on November 16, 2016.

Statement of Purpose

The purpose of this action is to implement the provisions of Education Article, §11-207, Annotated Code of Maryland, concerning the transfer and reverse transfer of credits between and among Maryland 4-year and 2-year public institutions of higher education.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Emily Dow, Assistant Secretary, Maryland Higher Education Commission, 6 North Liberty Street 10th Floor, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through January 23, 2017. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) "A.A.T. degree" means the Associate of Arts in Teaching degree.

(4) "A.F.A. degree" means the Associate of Fine Arts degree.

[(3)] (5) "Arts" means courses that examine aesthetics and the development of the aesthetic form and explore the relationship between theory and practice. [Courses in this area may include fine arts, performing and studio arts, appreciation of the arts, and history of the arts.]

[(4)] (6) (text unchanged)