



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the Maryland State Board of Education

FROM: Mohammed Choudhury

DATE: January 25, 2022

SUBJECT: COMAR 13A.06.07.01-.10
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-.21, *Student Transportation*.

REGULATION PROMULGATION PROCESS:

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.

BACKGROUND/HISTORICAL PERSPECTIVE:

Following the 2021 legislative session, changes to Education Article §7–801, were passed and signed by the Governor on May 18, 2021. This law now 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 a request in writing asking for permission to operate non-school bus vehicles each academic school year. The State Superintendent 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 multiple students from home to school and school to home in vehicles not approved under statute.

With the passing of Education Article §7–801, The MSDE Office of Pupil Transportation convened an advisory committee consisting of the Maryland Association of Pupil Transportation (MAPT), local transportation directors from across the state, and representatives from the Motor Vehicles 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. The advisory committee met virtually three times and provided valuable insight into the intended use of these vehicles.

Local Directors of Pupil Transportation, as well as the MVA, were informed that the proposed regulations were approved to be published in the Maryland Register.

EXECUTIVE SUMMARY:

The State Board granted permission to publish at the August 24, 2021, State Board meeting. The amendments to COMAR 13A.06.07.01-.10 were published in the Maryland Register from November 29 to December 20.

The published amendments to the regulation include:

- 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”.

During the open comment period, the MSDE received comments from: The Maryland School Bus Contractors Association (MSBCA), ALC Student Transportation, Hop Skip Drive, The Safety Advisory Board for Hop Skip Drive, Marsh Insurance, Delegate Vanessa E. Atterbeary (Chair of the Ways and Means Committee), and four members of the public. Following the open comment period, the Public School Superintendents Association of Maryland (PSSAM) and the Maryland Association of Boards of Education (MABE) submitted comments. A summary of the comments along with a copy of each submission is attached.

Comments and questions that were submitted regarding the driver standards and vehicle specifications will be addressed in future guidance that will be provided to local school systems upon adoption of the regulations. Based on a thorough review of all of the comments, the MSDE has made the following revision to the regulation.

In response to the comments received from MABE and PSSAM, the following change was implemented under 13A.07.07.12D(f). Insert the words “*or contractor owned*” after “*school system-owned*” to clarify the intended vehicles referenced in the regulations. The Attorney General’s office has determined that this revision is technical and non-substantive.

ACTION:

Request approval to adopt the amendments to COMAR 13A.06.07.01-.21, *Student Transportation*.

ATTACHMENTS:

COMAR 13A.06.07.01-.10 *Student Transportation*
Attorney General’s Certification of Non-Substantive Change
Comment Summary
Comment Submissions

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “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 Article, §11-154, Annotated Code of Maryland.

(4) “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.

[(3)] (5)—[(14)] (16) (text unchanged)

(17) Multifunction School Activity Bus (MFSAB).

(a) “Multifunction School Activity Bus (MFSAB)” means an alternative school vehicle that meets school bus construction standards.

(b) “Multifunction School Activity Bus (MFSAB)” does not include a bus:

(i) Used to transport students to and from home or school bus stops;

(ii) That has traffic control equipment; or

(iii) That is painted school bus yellow.

[(15)] (18)—[(33)] (36) (text unchanged)

(37) “Taxicab” has the meaning stated in COMAR 20.90.02.04

[(34)] (38)—[(37)] (41) (text unchanged)

.03 Program.

A. 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.

B.—D. (text unchanged)

.07 School Vehicle Driver and Trainee Disqualifying Conditions and Termination.

A.—E. (text unchanged)

F. Disqualified Driver Database.

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

[(4)] (5) [Upon] Within the first 4 business days after receipt of the current list of active school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active school vehicle driver or trainee is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.

.08 School Vehicle Attendant Qualifications and Disqualifications.

A.—C. (text unchanged)

D. Disqualified Attendant Database.

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of attendants. The list shall be in an electronic format prescribed by the Department.

[(4)] (5) [Upon] Within the first 4 business days after receipt of the current list of active attendants, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an attendant is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.

.09 Alternative School Vehicle Driver Qualifications and Disqualifications.

A. An alternative school vehicle driver shall:

(1) Meet all licensing requirements of the Motor Vehicle Administration for a Class A or Class M vehicle respectively;

(2) Have not more than two current points on the individual's driving record and a satisfactory past driving record as determined by the local supervisor of transportation;

(3) Be 21 years old or older;

(4) Be in good health, mature, able to discharge the duties of the position, and able to command the respect of others;

(5) Receive a negative controlled substance test result; and

(6) As permitted, be included in the MVA Licensing Monitoring System.

B. Alternative School Vehicle Driver Training.

(1) Alternative school vehicle drivers shall have 4 hours of preservice classroom instruction and 1 hour of behind the wheel instruction.

(2) Alternative school vehicle drivers shall complete 2 hours of in-service training annually that shall include topics contained in the National Safety Council's Defensive Driving Course.

C. Disqualifications for Criminal Conduct.

(1) An individual may not serve as an alternative school vehicle driver if the individual has been convicted of a criminal charge or if a criminal charge is pending for a crime involving:

(a) Child abuse or neglect;

(b) Contributing to the delinquency of a minor;

(c) Moral turpitude, if the offense bears directly on the individual's fitness to assist minors;

(d) A crime of violence as set forth in Criminal Law Article, §14-101, Annotated Code of Maryland; or

(e) Any conduct that may endanger the safety of students being transported.

(2) An individual who pled guilty or nolo contendere with respect to, is placed on probation before judgment with respect to, or is convicted of a crime under §C(1) of this regulation, is permanently disqualified from serving as an alternative school vehicle driver.

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

(4) An individual may not serve as an alternative school vehicle driver if the supervisor of transportation has evidence of criminal history, including second degree assault, which in the opinion of the supervisor makes the individual unfit for employment. Evidence of second degree assault is not deemed to be an automatic reason for disqualification.

D. Disqualification for Unsafe Actions. Misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety may be grounds for disqualification and termination of the alternative school vehicle driver by the supervisor of transportation.

E. Disqualification for Driving Record. If an alternative school vehicle driver has three or more current points, they shall be disqualified and the driver may not operate an alternative school vehicle.

F. Disqualified Alternative School Vehicle Driver Database.

(1) The Department's Office of Pupil Transportation shall maintain a confidential computer database of alternative school vehicle drivers who have been disqualified by a local school system under §§C, D, and E of this regulation or for any other reason.

(2) The supervisor of transportation shall notify the Department's Office of Pupil Transportation of an alternative school vehicle driver disqualification within 30 days of the alternative school vehicle driver receipt of notification of the disqualification.

(3) The notification shall be in the format prescribed by the Department.

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active alternative school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

(5) Within the first 4 business days after receipt of the current list of active alternative school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active alternative school vehicle driver is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise of their next appropriate action.

[.10] .11 Alcohol and Controlled Substances Use and Testing.

A.—B. (text unchanged)

C. Reporting Disqualified Drivers.

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

(5) [Upon receipt of all local school system current lists of active school vehicle drivers] *Within the first 4 business days of the start of the month*, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active school vehicle driver or trainee is listed on the Department's computer database. *The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.*

[.11] .12 General Standards.

A.—B. (text unchanged)

C. Vehicles other than Type I or Type II school vehicles and MFSAB vehicles may be used to transport students to and from school if:

[(1) Special approval in writing has been given by the State Superintendent of Schools, consistent with the requirements of Transportation Article, §11-154(b)(2), Annotated Code of Maryland;]

[(2)] (1)—[(4)] (3) (text unchanged)

(4) A local board of education determines that it is necessary to own, operate, or contract the use of an alternative school vehicle for student transportation.

D. Alternative School Vehicles.

- (1) *Local boards of education that use alternative school vehicles shall:*
- (a) *Develop written policies and procedures to utilize their alternative school vehicles;*
 - (b) *Require that the use of alternative school vehicles not expressly permitted by Education Article, §7-801(c), Annotated Code of Maryland and this chapter must be approved in writing by the local school board of education and must specify the length of time that the approved use of the vehicles will remain in effect;*
 - (c) *Carryout the requirements of Transportation Article, §11-154(b)(2), Annotated Code of Maryland;*
 - (d) *Require that three-point safety belts and other age-appropriate safety belts and equipment be worn by all passengers and students while in motion;*
 - (e) *Require that the designated areas for loading and unloading follow COMAR 11.19.06.05B; and*
 - (f) *Have insurance coverage be the same as for other school system-owned or contractor-owned Class A and Class M vehicles.*

E. Alternative School Vehicle Standards.

- (1) *Unless the vehicle is a MFSAB, the vehicle shall:*
 - (a) *Have a Gross Vehicle Weight rating of less than 10,000 lbs. and*
 - (b) *Have a seating capacity of no more than ten passengers not including the driver.*
- (2) *Alternative school vehicles and MFSABs shall have the name of the school district, contractor's name, or other contact information lettered on each side of the body of the vehicle in letters of not less than 2 inches in height and not more than 4 inches in height. Decals are permitted.*
- (3) *Alternative school vehicles and MFSABs may have the words "School Students" in black lettering at least 6 inches in height on a background of National School Bus Yellow located on both sides of the vehicle. Decals or magnetic signs are permitted. Lettering shall conform to Series B of Standard Alphabets for Highway Signs.*
- (4) *Alternative school vehicles and MFSABs shall have an audible back up warning alarm, installed behind the rear axle, that meets the standard under COMAR 11.19.02.24*
- (5) *Alternative school vehicles and MFSABs shall have a first aid kit, fluid clean up kit, and a fire extinguisher located in the storage area, all of which meets the standards under COMAR 11.19.02.25. The vehicle shall have a seat belt cutter that is accessible to the driver.*
- (6) *Video cameras may be installed in alternative school vehicles and MFSABs in line with COMAR 11.19.02.39.*

F. Alternative School Vehicle Inspections.

- (1) *Alternative school vehicles and MFSABs shall undergo two inspections each school year in line with COMAR 11.14.02.01—26. The two inspections shall be conducted more than 120 calendar days apart.*
- (2) *Inspections shall be conducted by the local school system and records of each inspection shall be maintained in the transportation office of the local school system.*
- (3) *Pre/post-trip inspections may be conducted and retained at the local level.*

[D.] G.—[J.] M. (text unchanged)

MOHAMMED CHOUDHURY
State Superintendent of Schools

BRIAN FROSH
Attorney General

ELIZABETH M. KAMEEN
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ELIZABETH HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
MARYLAND STATE DEPARTMENT OF EDUCATION

MEMORANDUM

TO: Mohammed Choudhury, State Superintendent of Schools
Clarence Crawford, President State Board of Education

FROM: Elliott L. Schoen
Assistant Attorney General

DATE: January 13, 2022

RE: Attorney General's Certification of Non-Substantive Change in Language
COMAR 14.39.02.05B(4) and .12B

In accordance with State Government Article §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of each change and the basis for this conclusion are as follows: Proposed regulation COMAR 13A.06.07.12D(f) describes the insurance requirements for alternative school vehicles as “the same as for other school system-owned Class A and Class M vehicles.” The agency inadvertently left out the phrase “and contractor-owned vehicles” within the sentence. The changes to the original proposal could reasonably have been anticipated by participants in rulemaking to conform the regulation with existing requirements for Class A and Class M vehicles that are owned by both school systems and contractors. The change does not change the purpose of the regulation nor the position of any group affected by the regulation, decrease any benefits, or increase administrative burdens. Failure to correct the cross-reference

will lead readers of Regulation .12D to confusion regarding insurance requirements for alternative vehicles between school system owned and contractor owned. The Department's change to the original proposal is technical and does not change the position of any group affected by the regulation, decrease any benefits, or increase administrative burdens.

**COMAR 13A.06.07.01-.10 Student Transportation
Summary of Comments (a complete copy of each of the submissions is attached)**

Submitted by:	Summary of Comments	MSDE Response
<p>Ruby Sabina APRN, FNP-BC (email dated 12/8/21)</p>	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	<p>The Maryland State Department of Education (MSDE) regulations are requiring the use of a back-up warning alarm in vehicles that will be transporting multiple students to and from school. To avoid such accidents as striking or backing over students, the regulation ensures an additional level of safety for students while loading and unloading.</p> <p>The labeling or identification of the vehicle ensures that not only are the parents and students able to identify the vehicle but also the general public. With multiple students on board, it is beneficial to inform the public of the vehicles use and direct them on where to contact if there are concerns.</p> <p>Training for the care of multiple students while driving is imperative, as is the ability to train staff on local school districts policies and procedures for student transportation. Information regarding medical care and evacuations will be relevant for drivers of students with special needs.</p>
<p>Francoise Sullivan Kent County Board of Education (email dated 12/8/21)</p>	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	<p>Concerns regarding the back-up warning alarm, labeling of the vehicle, and driver training has been described in response to previous comments.</p>

Submitted by:	Summary of Comments	MSDE Response
<p>Allen Blackwell III, M. Ed. Homeless Liaison Baltimore City Public Schools (email dated 12/15/21)</p>	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	<p>Concerns regarding the back-up warning alarm, labeling of the vehicle, and driver training has been described in response to previous comments.</p>
<p>Lisa VanBuskirk (email dated 12/15/21)</p>	<ul style="list-style-type: none"> • Clarify the definition of a Multifunction School Activity Bus. • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. 	<p>The MFSAB is an alternative school vehicle that is allowed to transport students to and from school activates but is prohibited from transporting from home to school or school to home. This follows the definition of a MFSAB by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA).</p> <p>See response above.</p>
<p>Nicole M. Sivieri Vice President Sharing Economy & Mobility Marsh Risk & Insurance (Letter dated 12/17/21)</p>	<ul style="list-style-type: none"> • Consider Rideshare models when developing the regulations. • Provided information about <i>Mobility in a post-pandemic world: Mobility services, autonomous commercialization and last-mile delivery</i> which can be found at: https://www.marsh.com/at/en/services/sharing-economy/insights/mobility-in-post-pandemic-world.html • Provided information about <i>Mobility in a post-pandemic world: Mobility services, autonomous commercialization and last-mile delivery</i> which can be found at: https://www.marshmclennan.com/content/dam/mmc-web/insights/publications/2020/february/07_02_2020_Mobility_as_a_service_web.pdf 	<p>Rideshare models have been researched by use in other states and have been considered when developing these regulations.</p> <p>Focus was continually put on student safety, as these intended vehicles will be transporting multiple students.</p>

Submitted by:	Summary of Comments	MSDE Response
<p>Morgan Speer Regulatory Compliance Manager ALC Schools (Letter dated 12/17/21)</p>	<ul style="list-style-type: none"> • Add training requirements for wheelchair and child seat restraints. • Add first aid and CPR training as a requirement for drivers • Allow for window clings and window placards for labeling purpose. • Make the backup warning alarm an option. • Adding that wheelchair securements and child restraints be required while the vehicle is in motion. • Add the requirement that local school systems will be audited by the MSDE for compliance with these regulations. 	<p>The MSDE appreciates the request to add additional training requirements to the preservice instruction. Information about student related training should be developed by the local school system and implemented based upon the needs of the student population.</p> <p>Regarding the use of window clings, the intent of affixing the labeling to the body of the vehicle is to avoid the ability to remove the identification or obscure it while the vehicle is in use. Concern regarding the back-up warning alarm has been described in response to previous comments.</p> <p>The regulation states, <i>“age appropriate safety belts and equipment shall be worn while all passengers are in motion”</i>. The MSDE feels that it can be reasonably interpreted that any means of securement, regardless if it is not a seatbelt, is required while in motion.</p> <p>The MSDE appreciates the request for the MSDE to audit operations to ensure compliance with these regulations. It is the intent of the office of pupil transportation to conduct site visits to local school systems to better understand how these vehicles are operated and maintained. Any auditing of local school systems would fall to the MSDE audit department.</p>

Submitted by:	Summary of Comments	MSDE Response
<p>Trish Donahue Vice President of Legal & Policy Hop Skip Drive (Letter dated 12/17/21)</p>	<ul style="list-style-type: none"> • Remove the MSDE as the agency that governs transportation network companies (TNC) that contract with schools as the Maryland Public Services Commission (PSC) provides oversight of TNC's • Provided their 2018, 2029 and 2020 safety report which can be found at: https://www.hopskipdrive.com/wp-content/uploads/2020/09/HopSkipDrive_Safety_Report_2018_2019.pdf https://www.hopskipdrive.com/safety-report-2020/ 	<p>The MSDE has communicated with the PSC and after review, feel that the amount of oversight of the PSC is not comparable to the safety that the MSDE strives to ensure with student transportation.</p>
<p>Steve Nelson President Maryland School Bus Contractors Association (MSBCA) (letter dated 12/18/21)</p>	<ul style="list-style-type: none"> • MSBCA overall opposes the use of vehicles other than Type I and Type II school buses • Strongly opposes the use of TNC's to transport students. 	<p>The MSDE appreciates the comments regarding the regulation. In your correspondence, you expressed concern that the revised regulation that allows students to be transported in non-school buses "inherently makes them less safe". The regulation aligns with Education Article §7-801, which now allows A county board may provide transportation to and from school using a vehicle other than a Type I or Type II school vehicle. The MSDE appreciates the stance of the MSBCA regarding the strong opposition of TNC's. This regulation avoids the approval of any specific company or type of company and intends on setting the minimum safety standards that must be met by drivers and vehicles.</p>

Submitted by:	Summary of Comments	MSDE Response
Delegate Venessa E. Atterbeary Chair, Ways and Means Committee (letter dated 12/21/21)	<ul style="list-style-type: none"> • Has concerns that the proposed regulations are aimed solely at school systems using a traditional model of purchasing non-Type I or Type II vehicles and hiring drivers for these vehicles. • Request that the MSDE consider being more inclusive of TNC's in their regulations. 	The MSDE appreciates the comments regarding the regulation. The MSDE has no intent to develop regulations that are aimed at a certain form of transportation or operation. As mentioned prior, rideshare models have been researched by use in other states and have been considered when developing these regulations. Focus was put on student safety, as these vehicles will be transporting multiple students.
Hop Skip Drive Advisory Board (letter dated 12/3/21)	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	Concerns regarding the back-up warning alarm, labeling of the vehicle, and driver training has been described in responses to previous comments
John R. Wollums, Esq. MABE Director of Governmental Relations (letter dated 12/20/21)	<ul style="list-style-type: none"> • Supports the regulations with an amendment. • Insert "or contractor-owned" after "School system-owned" under COMAR 13A.06.07.12D(f) 	The MSDE appreciates the support for the regulations as well as supports the amendment requested by MABE. It was the intent that the insurance coverage for both school system-owned and contractor-owned be identified in the regulations. Guidance regarding this will be developed and provided to local school systems upon adoption of the regulations.
Mary Pat Fannon Executive Director Public School Superintendents' Association of Maryland (PSSAM)	<ul style="list-style-type: none"> • Overall, strongly supports the regulations. • Support the request of MABE to amend the regulations to include "or contractor-owned" under COMAR 13A.06.07.12D(f) 	The MSDE appreciates the support for the regulations as well as supports the amendment requested by PSSAM. As stated above, guidance will be developed and provide to the local school systems upon adoption of the regulations.

Submitted by:	Summary of Comments	MSDE Response
<p>Ruby Sabina APRN, FNP-BC (email dated 12/8/21)</p>	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	<p>The Maryland State Department of Education (MSDE) regulations are requiring the use of a back-up warning alarm in vehicles that will be transporting multiple students to and from school. To avoid such accidents as striking or backing over students, the regulation ensures an additional level of safety for students while loading and unloading.</p> <p>The labeling or identification of the vehicle ensures that not only are the parents and students able to identify the vehicle but also the general public. With multiple students on board, it is beneficial to inform the public of the vehicles use and direct them on where to contact if there are concerns.</p> <p>Training for the care of multiple students while driving is imperative, as is the ability to train staff on local school districts policies and procedures for student transportation. Information regarding medical care and evacuations will be relevant for drivers of students with special needs.</p>
<p>Francoise Sullivan Kent County Board of Education (email dated 12/8/21)</p>	<ul style="list-style-type: none"> • Remove the backup warning alarm from the vehicle specifications. • Remove the labeling of the vehicle by either the school district or contractor. • Remove the training and Behind the Wheel requirements for drivers. 	<p>Concerns regarding the back-up warning alarm, labeling of the vehicle, and driver training has been described in response to previous comments.</p>

12/8/2021

Gabriel D. Rose
Director of Pupil Transportation/Emergency Management
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21202
Submitted via email
to gabriel.rose1@maryland.gov; stateboard.msde@maryland.gov; mohammed.choudhury@maryland.gov

Re: HB 72 and Proposed Regulations for COMAR 13A.06.07.01,.03,.07-.21 Student Transportation

Dear Director Rose,

I'm writing in connection with the draft regulations relating to HB 72 and COMAR 13A.06.07.01,.03,.07-.21 Student Transportation.

Some of the requirements proposed in the draft regulations are more applicable to school buses and would hinder the opportunity for school districts to directly partner with safe small vehicle transportation companies as a solution to our current transportation challenges. School buses and school bus drivers are heavily regulated at the federal and state levels because school buses are large, commercial vehicles and specific training is necessary to be competent to operate them. Regulations for small vehicles, while ensuring safety, should be delineated from school bus type requirements due to the vast differences between those vehicles. For example:

- Requiring "audible backup warning alarms, installed behind the rear axle," is excellent for large buses but an unreasonable burden for sedans/SUV drivers.
- Regulating that a school district's name be lettered on both sides of a vehicle is great for a large yellow bus but doesn't correlate to a small vehicle's safety as verified driver recognition can be assured using designated company decals, electronically sharing driver information, and other forms of identification.
- Current draft regulations propose lengthy classroom and behind-the-wheel training for drivers. While this may be applicable to bus drivers, such extensive training is not applicable to small sedan and SUV drivers. Small vehicle companies regulated by Maryland state agencies provide applicable service instruction and require drivers to have a verified clean driving record.

Additionally, local education agencies have federal obligations to provide transportation services to qualifying students with disabilities and students experiencing housing instability. Districts and individual schools need the ability to quickly access small vehicle transportation for these services in order to not only meet the needs of those students, but also to meet their federal obligations. The regulations, as written, would prohibit them from doing so.

School districts need flexibility in seeking solutions to our students' transportation needs and we request your assistance in revisiting and revising these regulations. We believe school districts can work directly with companies to set the standards for contracted alternative transportation services which we desperately need. Further, certain types of transportation solutions may not require additional regulation by MSDE; for example, those which are already regulated by the Public Service Commission to serve youth and subject to regulations relating to driver background checks, vehicle inspections, and operating standards.

At a time when returning to school and accessing resources is most critical for Maryland youth, we strongly encourage the Maryland State Department of Education to revise the current proposed regulations for small vehicle transportation to remove unnecessary requirements.

Sincerely,

Ruby Sabina
APRN, FNP-BC
rubysamsabina@gmail.com
(202) 805-4237

December 8, 2021

Gabriel D. Rose
Director of Pupil Transportation/Emergency Management
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21202
Submitted via email
to gabriel.rose1@maryland.gov; stateboard.msde@maryland.gov; mohammed.choudhury@maryland.gov

Re: HB 72 and Proposed Regulations for COMAR 13A.06.07.01,.03,.07-.21 Student Transportation

Dear Director Rose,

I'm writing in connection with the draft regulations relating to HB 72 and COMAR 13A.06.07.01,.03,.07-.21 Student Transportation.

Some of the requirements proposed in the draft regulations are more applicable to school buses and would hinder the opportunity for school districts to directly partner with safe small vehicle transportation companies as a solution to our current transportation challenges. School buses and school bus drivers are heavily regulated at the federal and state levels because school buses are large, commercial vehicles and specific training is necessary to be competent to operate them. Regulations for small vehicles, while ensuring safety, should be delineated from school bus type requirements due to the vast differences between those vehicles. For example:

- Requiring "audible backup warning alarms, installed behind the rear axle," is excellent for large buses but an unreasonable burden for sedans/SUV drivers.
- Regulating that a school district's name be lettered on both sides of a vehicle is great for a large yellow bus but doesn't correlate to a small vehicle's safety as verified driver recognition can be assured using designated company decals, electronically sharing driver information, and other forms of identification.
- Current draft regulations propose lengthy classroom and behind-the-wheel training for drivers. While this may be applicable to bus drivers, such extensive training is not applicable to small sedan and SUV drivers. Small vehicle companies regulated by Maryland state agencies provide applicable service instruction and require drivers to have a verified clean driving record.

Additionally, local education agencies have federal obligations to provide transportation services to qualifying students with disabilities and students experiencing housing instability. Districts and individual schools need the ability to quickly access small vehicle transportation for these services in order to not only meet the needs of those students, but also to meet their federal obligations. The regulations, as written, would prohibit them from doing so.

School districts need flexibility in seeking solutions to our students' transportation needs and we request your assistance in revisiting and revising these regulations. We believe school districts can work directly with companies to set the standards for contracted alternative transportation services which we desperately need. Further, certain types of transportation solutions may not require additional regulation by MSDE; for example, those which are already regulated by the Public Service Commission to serve youth and subject to regulations relating to driver background checks, vehicle inspections, and operating standards.

At a time when returning to school and accessing resources is most critical for Maryland youth, we strongly encourage the Maryland State Department of Education to revise the current proposed regulations for small vehicle transportation to remove unnecessary requirements.

Sincerely,

Francoise Sullivan, KCPS BOE

From: **Blackwell, Allen N** <anblackwell@bcps.k12.md.us>

Date: Wed, Dec 15, 2021, 8:32 AM

Subject: HB 72 and Proposed Regulations for COMAR 13A.06.07.01,.03,.07-.21 Student Transportation

To: gabriel.rose1@maryland.gov <gabriel.rose1@maryland.gov>

Gabriel D. Rose

Director of Pupil Transportation/Emergency Management

Maryland State Department of Education

200 West Baltimore Street

Baltimore, MD 21202

Submitted via email

to gabriel.rose1@maryland.gov; stateboard.msde@maryland.gov; mohammed.choudhury@maryland.gov

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only meet the needs of those students, but also to meet their federal obligations. The regulations, as written, would prohibit them from doing so.

School districts need flexibility in seeking solutions to our students' transportation needs and we request your assistance in revisiting and revising these regulations. We believe school districts can work directly with companies to set the standards for contracted alternative transportation services which we desperately need. Further, certain types of transportation solutions may not require additional regulation by MSDE; for example, those which are already regulated by the Public Service Commission to serve youth and subject to regulations relating to driver background checks, vehicle inspections, and operating standards.

At a time when returning to school and accessing resources is most critical for Maryland youth, we strongly encourage the Maryland State Department of Education to revise the current proposed regulations for small vehicle transportation to remove unnecessary requirements.

Sincerely,

Allen Blackwell III, M. Ed

Homeless Liaison

Staff Specialist

Baltimore City Public Schools

Home and Hospital

2000 Edgewood St.

[\(443\) 310.5933](tel:4433105933) (cell)

[\(410\) 396.0775](tel:4103960775) (o)

[\(410\) 396.6848](tel:4103966848) (main office)

----- Forwarded message -----

From: **Lisa VanBuskirk** <sslaaco@gmail.com>

Date: Sun, Dec 12, 2021, 3:39 PM

Subject: Student Transportation Regulations- Public Comment

To: Gabriel Rose -MSDE- <gabriel.rose1@maryland.gov>

Mr. Rose,

Thank you for the opportunity to provide public comments on the proposed changes in student transportation regulations (13A.06.07).

.01 Definitions

B.(17) Multifunction School Activity Bus (MFSAB)- I find the definition in paragraph (b) slightly confusing. "MFSAB does not include a bus:(i) "used to transport students to and from home or school bus stops" . This appears to contradict paragraph (a) which says MFSABs are alternative school vehicles, which is defined in B.(3) as transporting pupils to and from school and home. Is the intent to say that MFSABS are not *Type I or Type II* buses transporting students to or from home and school?

.12 General Standards

E.(2) and E.(4) - I understand why MFABS, since they are constructed to school bus standards, would require signage and audible back up signals. I do not understand why alternative school vehicles that are not MFABS, require both signage and audible back-up signals.

It is my understanding that Taxis and Transportation Network Companies that are regulated by the Public Services Commission (which would be currently permitted under state law to carry a single student), do not have to have signage related to the school system to which they are contracted nor audible back-up. Why would the addition of one or more students (to a maximum of 10 passengers including the driver), trigger the need for additional signage and audible back-up signals on Class A or M vehicles?

Could there be exceptions for vehicles that are regulated by the Public Services Commission as Transportation Network Company vehicles, to not require the additional signage and audible back-up signals?

Could the required signage and audible back-up signals be only for alternative vehicles owned and operated by the school system?

Is the requirement for signage and audible back-up signals on alternative school vehicles, other than MFABS, a barrier to entry for potential service providers, which in turn could prevent school systems and more importantly students, from benefiting from alternative school vehicles?

Thank you again for the opportunity to comment.

Sincerely,
Lisa VanBuskirk,
Edgewater, MD



December 17, 2021

Gabriel D. Rose, Director of Pupil Transportation/Emergency Management

Maryland State Department of Education

200 West Baltimore Street

Baltimore, MD 21202

Submitted via email to gabriel.rose1@maryland.gov; stateboard.msde@maryland.gov; mohammed.choudhury@maryland.gov

Re: HB 72 and Proposed Regulations for COMAR 13A.06.07.01.03,.07-.21 Student Transportation

Dear Administrative Specialist Leona Fitzgerald,

I'm writing in connection with the [draft regulations](#) relating to HB 72 and COMAR 13A.06.07.01,.03,.07-.21 Student Transportation. As written, the proposed regulations do not address student transportation solutions such as HopSkipDrive.

The rideshare model has expanded to serve more specialized populations, such as youth and the elderly. The rideshare model can bring efficiency, cost savings, convenient scheduling, and tech-enabled features such as GPS tracking, live ride monitoring, and telematics to monitor driving behavior. These features offer the potential to bring another level of accountability to student transportation.

As these models become more established across the globe, moving from futuristic to commonplace, and as the transportation industry tackles tough challenges like the pandemic and climate change, decision makers can consider these developments in making informed decisions. There are two resources we would like to share with you for reference:

1. Mobility as a Service: A Sum of Parts Present Today
2. Mobility in a Post Pandemic World

We encourage you to consider rideshare models such as HopSkipDrive as you develop new regulations relating to student transportation.

Sincerely,

Nicole M. Sivieri, Vice President
Sharing Economy & Mobility Practice
Marsh

Marsh is the world's leading insurance broker and risk advisor. With around 40,000 colleagues operating in more than 130 countries, Marsh serves commercial and individual clients with data-driven risk solutions and advisory services. Marsh is a business of Marsh McLennan (NYSE: MMC), the world's leading professional services firm in the areas of risk, strategy and people. With annual revenue over \$18 billion, Marsh McLennan helps clients navigate an increasingly dynamic and complex environment through four market-leading businesses: Marsh, Guy Carpenter, Mercer and Oliver Wyman.

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December 17, 2021

Attn: Maryland State Board of Education

Re: Proposed Student Transportation Regulations- COMAR 13A.06.07.01,.03.07-.21

Dear Maryland State Board of Education:

This public comment is submitted on behalf of ALC Schools, LLC. (ALC), a nationally operating transportation management company that has been in the business of alternative student transportation for over 20 years.

ALC believes that all student transportation, whether it is on a bus or in an alternative school vehicle, should be regulated by each state department of education. As a student transportation management company (not a transportation network company), ALC has extensive experience in following regulations determined and enforced by various states' departments of education. ALC is the national leader in alternative student transportation, providing services to over 450 school districts in over 25 states.

Alternative school transportation industry best practices recognize the benefit of paralleling a bus system as much as is practical for the transportation of students in a passenger car such as a class A passenger vehicle as defined in the Maryland Transportation Code § 13-912. The proposed additions to the Student Transportation Regulations- COMAR 13A.06.07.01.03.07-.21 are incredibly thorough, and reflect best practices within the alternative student transportation industry.

Proposed regulations in COMAR 13A.06.07.09 include what ALC would consider to be some of the best industry standards for driver vetting. Baseline standards such as minimum driver age, driver licensing, physical health and controlled substance abuse checks are important measures for driver qualification across transportation industries. Requirements such as MVR record checks, criminal history checks, disqualifications for criminal conduct, and state mandated driver trainings are what separate DOE regulated student transportation drivers from drivers in other transportation industries.

ALC recommends two additions to driver training as listed in COMAR 13A.06.07.09(B), which include training on proper use and securement of wheelchairs and Child Safety Restraint systems (CSRS), as well as first aid and CPR training.

Proposed regulations in COMAR 13A.06.07.12 are also very thorough, including many alternative student transportation industry best practices. ALC recommends some changes within COMAR 13A.06.07.12 – General Standards, which includes the requirement of ADA compliant wheelchair securement and Child Safety Restraint Systems (CSRS) when necessary for transportation, the clarification of vehicle identifier requirements, and the allowance for local boards of education to have the option to require alternative school vehicles to install an audible backup warning alarm.

Lastly, ALC recommends the addition of regulatory oversight by the Maryland State Department of Education regarding compliance these regulations, allowing for uniformity amongst school districts and the contracting companies providing alternative student transportation across the state of Maryland.

ALC appreciates the opportunity for public comment on the proposed student transportation regulations in Maryland, and strongly suggests the following changes:



Alternative School Vehicle Driver Qualifications and Disqualifications

1. Adding a provision that requires appropriate training for alternative school vehicle drivers to use Wheelchair and Child Seat Restraints.

ALC recommends language relating to training on the usage of ADA compliant wheelchair securement systems and Child Safety Restraint Systems (CSRS) be included under COMAR 13A.06.07.9- Alternative Vehicle Driver Qualifications and Disqualifications to ensure that proper training and utilization of these safety measures are met.

Student safety is the single most important issue at ALC Schools. ALC understands the primary use of alternative student transport services is for students who potentially need more focused care than regular education students. Including requirements for proper training on the use of ADA compliant wheelchair securement and CSRS for drivers of alternative school vehicles only results in higher safety standards for students in the state of Maryland, and ALC believes that should be reflected in the proposed regulations.

Example language:

"COMAR 13A.06.07.9(B)(3)

Prior to transporting students alternative school vehicle drivers shall have training on the proper use and maintenance of both ADA compliant wheelchair securement and Child Safety Restraint Systems (CSRS), when engaged in transportation requiring these safety devices."

2. Adding a provision that requires appropriate first aid and CPR aid training for drivers of alternative school vehicles.

Alternative student transportation should parallel a bus system as much as is practical for the transportation of students in a passenger car such as a class A passenger vehicle as defined in the Maryland Transportation Code § 13-912. First aid and CPR training is a standard qualification for bus drivers across the country, as it is beneficial to student safety. ALC respectfully requests that this requirement be extended to drivers of alternative school vehicles as well to ensure that students will be transported in the safest environment possible when in an alternative school vehicle.

Example language:

"COMAR 13A.06.07.9(B)(4)

Alternative school vehicle drivers shall complete first aid and CPR training prior to transporting students, and annually thereafter."



Minimum Vehicle Qualifications

3. Clarifying the provision in COMAR 13A.06.07.12(D)(2) to allow window clings and window placards.

The current proposed regulations require that the name of the school district, contractor's name, or other contact information be lettered on each side of the body of the vehicle.

"COMAR 13A.06.07.12(E)

"(2) Alternative school vehicles and MFSABs shall have the name of the school district, contractor's name, or other contact information lettered on each side of the body of the vehicle in letters of not less than 2 inches in height and not more than 4 inches in height. Decals are permitted."

ALC utilizes window clings and window placards for each car driven in the 450+ school districts ALC operates. The window clings display the ALC logo, and the window placards identify the vehicle to the school district and parents.

ALC respectfully requests the language be clarified to allow for "either" "the name of the school district, contractor's name, or other contact information...", and to expressly include window clings and window placards as a sufficient means to display vehicle and company information.

Example Language:

"COMAR 13A.06.07.12(E)

(2) Alternative school vehicles and MFSABs shall have **either** the name of the school district, contractor's name, or other contact information lettered on each side of the body of the vehicle in letters of not less than 2 inches in height and not more than 4 inches in height. Decals, **window clings, and window placards** are permitted."

4. Amending the provision in COMAR 13A.06.07.12(D)(4) requiring alternative school vehicles to install an audible backup warning alarm, to allow local boards of education to have the option to require alternative school vehicles to install an audible backup warning alarm.

The proposed minimum vehicle qualifications for a school vehicle includes a requirement that there be an audible back up warning alarm behind the rear axle that meets the standards under COMAR 11.19.02.24.

"COMAR 13A.06.07.12 (D)

"(4) Alternative school vehicles and MFSABs shall have an audible back up warning alarm, installed behind the rear axle, that meets the standard under COMAR 11.19.02.24"

ALC understands the importance of the safety considerations of audible backup warning alarms, and ALC respects the desire for upmost safety in alternative student transport presented in this proposed regulation.

Alternative school transportation services exist to support school districts, and alleviate issues arising from specialized transportation requirements. Transportation management companies, like ALC, work with service providers with employee drivers to provide consistency for students and school districts. The employee drivers typically own the vehicles themselves, and as the proposed regulation is currently written, it will require a potential driver to both procure and install an audible backup warning alarm in their personal vehicle.



Every local board of education has their own safety concerns and requirements. ALC respectfully requests the proposed regulation be amended to allow the local school board the option of requiring the driver to install an audible backup warning alarm in their personal vehicle.

Example Language:

"COMAR 13A.06.07.12(D)

(4) Alternative school vehicles and MFSABs **may** have an audible back up warning alarm, installed behind the rear axle, that meets the standard under COMAR 11.19.02.24 **if the local board of education requires it."**

5. Adding a provision in COMAR 13A.06.07.12(D)(1) requiring wheelchair securement systems and child seat restraint systems to be utilized when necessary.

COMAR 13A.06.07.12(D)(1)(d) requires certain equipment to be worn while the vehicle is in motion.

"COMAR 13A.06.07.12(D)(1)

(d) Three-point safety belts and other age-appropriate safety belts and equipment be worn by all passengers and students while in motion."

ALC recommends additional language surrounding ADA compliant wheelchair securement systems and child seat restraint systems to be included in this provision to ensure that the proper equipment is utilized when necessary to transport students who require this equipment and these types of safety measures.

Example Language:

"COMAR 13A.06.07.12(D)(1)

"(g) ADA compliant wheelchair accommodations and securement systems and child safety restraint systems shall be utilized when required while in motion.



Compliance with COMAR 13A.06.07 Regulations

6. Adding a provision which requires compliance with COMAR 13A.06.07 through a periodical audit by the Maryland State Department of Education.

As mentioned previously, ALC believes that all student transportation, whether it is on a bus or in an alternative school vehicle, should be regulated by each state department of education. School contractors should be held responsible for state and district compliance. The regulations as drafted place the responsibility on the districts to develop policies and procedures, but there is no oversight requirement by the State of Maryland on school districts and the contractors they work with.

ALC recommends additional language requiring that the Maryland State Department of Education conduct an audit of all school districts, charters, and transportation providers periodically.

This requirement would be in line with other states regulations surrounding alternative school vehicles. States that have existing agency audits in their regulations conduct audits every 2-3 years. This requirement, if following with industry best practices, would have 4 major provisions:

- (a) Requirement that the local board of education either individually maintain files or require the contractor providing transportation services to maintain files, which prove the qualification of the driver and the vehicle for service. Files typically include documentation of the following: proof of driver's license, background check, proof of annual physical examination, satisfactory drug & alcohol test, satisfactory motor vehicle records check, verification that the driver participated in all trainings required by the Maryland State Department of Education, as well as the required bi-annual and pre/post trip vehicle inspections.
- (b) Requirement that the local board of education establish emergency procedures and/or contingency plans to be followed in the event of a traffic accident, vehicle breakdown, unexpected school closing, unforeseen route change, or relocation of a student stop in an emergency.
- (c) Requirement that the local board of education ensure documentation outlining transportation services and requirements is available to all applicable vehicle drivers prior to transportation students. This would include documentation on the required use of ADA compliant wheelchair securement systems, Child Safety Restraint Systems (CSRS), and medical and behavioral information as it relates to student transportation.
- (d) Requirement that the local boards of education's compliance with these regulations will be satisfied with a periodic audit. Audits can be completed every 2 years, or 3 years, and written notice can be provided in advance of the audit alerting the local board of education when the audit will be. This addition to the regulation encourages uniformity in compliance to COMAR 13A.06.07 across the state of Maryland.

Example Language:

"COMAR 13A.06.07.23 Compliance.

A. Maryland State Department of Education Oversight

- (1) Maryland State Department of Education will perform School Transportation Advisory Reviews of local boards of education, school districts, and contractors to evaluate and assist with the compliance of these regulations. Written notice will be provided in



advance of the audit alerting the local board of education, the school district, and the contractor the date and time of the audit.

- (2) The following will be required of local boards of education in the state of Maryland:
 - (a) To either individually maintain or require the transportation contractor to maintain, records pertaining to the compliance with this regulation. These documents shall include proof of driver's license for a Class A or Class M vehicle under the Maryland Vehicle Administration, proof of 21 years of age, a successful background check, proof of annual physical examination, successful drug and alcohol test, motor vehicle records check, verification that the driver took the instruction as required by the Maryland State Department of Education, and the required vehicle inspections including pre/post trip inspections required at the local level;
 - (b) To create and maintain emergency procedures and contingency plans to be followed in the event of a traffic accident, vehicle breakdown, unexpected school closing, unforeseen route change, or relocation of a student stop in an emergency; and
 - (c) To create and maintain documentation outlining transportation services and requirements, including required use of proper ADA wheelchair securements, Child Safety Restraint Systems (CSRS), and medical and behavioral information as it relates to student transportation is available to all applicable vehicle drivers prior to providing transportation services.

Thank you for considering our suggested changes. If you have questions, please feel free to contact Morgan Speer at mspeer@alcschools.com.

Sincerely,

ALC Schools

www.alcschools.com



Comments On Proposed Student Transportation Regulations (COMAR 13A.06.07.01,.03,.07-.21)

December 17, 2021

Gabriel D. Rose
Director of Pupil Transportation/Emergency Management
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21202
Submitted via email to gabriel.rose1@maryland.gov;
stateboard.msde@maryland.gov; mohammed.choudhury@maryland.gov

Re: HB 72/SB 448 and Proposed Regulations for COMAR 13A.06.07.01,.03,.07-.21
Student Transportation

Dear Director Rose,

I'm writing in connection with the draft regulations relating to HB 72/SB 448 and COMAR 13A.06.07.01,.03,.07-.21 Student Transportation. As written, the regulations would make it incredibly challenging for proven-safe solutions like HopSkipDrive to operate in Maryland.

HopSkipDrive is a transportation network company, licensed by the Maryland Public Service Commission, and designed specifically with the interests of youth in mind. We operate in 9 states (and growing) and have safely arranged rides over 20 million miles, for over 1.4 million kids, to and from 13,000 schools across the country.

Our technology, innovation, and approach to safety set us apart from other competitors in the rideshare and student transportation industry. Six years ago, I set out, alongside my two female co-founders, to design a system based on the premise: “What would it take for me to put my own child in a HopSkipDrive?”

Since that time, we've learned a thing or two about safety and have made significant advancements in the student transportation space. We're constantly working to raise the bar for safety in student transportation, which is why we publish our safety statistics annually (see Exhibit 2).

What we've learned throughout our 6 years of operations and expansion into 9 states is that small vehicle regulations need a new framework that differs from bus regulations, better reflects the types of vehicles and drivers involved, and recognizes innovations in technology that help to ensure safety. **The Maryland State Board of Education can create this framework by (1) recognizing existing solutions, like HopSkipDrive, which are heavily regulated by other Maryland state agencies and which do not require further regulation to ensure safety; (2) in the event there is a determined need for additional regulation of certain small vehicle solutions, setting standards that recognize innovation in transportation and which are consistent with the type of vehicle involved; and, (3) focusing primarily on accountability through methods like annual data reporting.** This way, school districts can have greater access to modern transportation services for students and broader flexibility to set the standards they want to see of their contracted service providers, without sacrificing safety.

Attached to this cover letter are more detailed comments providing information on the importance of these regulations, learnings from other states, a summary of existing Public Service Commission regulations which apply to HopSkipDrive and others like us, our 15-Point CareDriver Certification Process, our proposed amendments to the draft regulations, and testimonials and information about existing HopSkipDrive partnerships (Exhibit 1).

Through this rulemaking, Maryland has the opportunity to significantly improve access to transportation services for Maryland students by recognizing existing regulatory structures that may apply to this type of transportation, such as HopSkipDrive's stringent regulation by the Public Service Commission, and by recognizing innovations in technology that have led to safer outcomes. HopSkipDrive serves as a model for how to improve both access and safety, and remains ready to bring our safe solution to Maryland families and schools.

Thank you for your work and dedication to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Joanna McFarland". The signature is fluid and cursive, with the first name "Joanna" and last name "McFarland" clearly distinguishable.

Joanna McFarland
HopSkipDrive Co-Founder and CEO



Detailed Comments on Proposed Regulations COMAR 13A.06.07.01, .03, .07-.21 Student Transportation

Over the last 6 years, HopSkipDrive has quickly established itself as a leader in safe youth transportation. What HopSkipDrive has learned throughout its operations and expansion into 9 states is that small vehicle regulations need a new framework that differs from bus regulations, better reflects the types of vehicles and drivers involved, and recognizes innovations in technology that help to ensure safety.

By looking at the data to understand what actually impacts safety, we can ensure that more qualified drivers can get on the road and stay on the road in order to serve the varied needs of students, including those with special needs, youth in the foster care system, and youth experiencing homelessness.

The results of HopSkipDrive's efforts speak for themselves with a **0% critical safety incident rate** reported in our most recent Safety Reports, while ensuring access to opportunity for **over 1 million riders**.

Why These Regulations Matter

1. **Meeting the Needs of Students.** HB 72/SB 448 expanded access to transportation for all students, including students with special needs and students experiencing homelessness or housing instability. These students tend to have more individualized needs, requiring an adaptable and customizable transportation solution. The regulations for this type of service need to recognize the flexibility required to appropriately serve these students.

EXAMPLE: The average student experiencing homelessness changes housing placements 3 times per year. If that student changes placement at 7pm Tuesday night, the school district needs a highly adaptable and customizable solution to get that student to school the next day. This service can be easily provided through small

vehicle transportation solutions like HopSkipDrive, as compared to rerouting a school bus or attempting to secure a school employee to provide the service.

2. **Helping Districts Adhere to Federal Requirements.** Local education agencies are federally required to provide transportation to qualifying students with disabilities and students experiencing homelessness. While state regulations should promote safety in student transportation, they shouldn't make it unnecessarily difficult for local education agencies to fulfill these federal mandates.
3. **COVID Recovery.** In order to meet Maryland's stated priorities in its [ARP ESSER Plan](#), which include addressing the impact resulting from the disruption to learning since the pandemic began, Maryland school districts and families need flexibility in contracting with safe, small vehicle transportation solutions for kids. [Even the U.S. Department of Education has recognized that COVID relief dollars can be used for rideshare transportation services like those offered by HopSkipDrive.](#)
4. **Bus Driver Shortages.** School districts across the country are experiencing bus driver shortages unlike ever before. This problem is not going away. COVID-19 only exacerbated an existing bus driver shortage.

School buses and school bus drivers are heavily regulated at the federal and state levels because they require specialized training and equipment. Transportation by sedan and SUV-type vehicles, which is what is at issue here, do not require specialized training or equipment.

5. **Bus Optimization.** Not enough drivers and high costs associated with maintaining and operating a bus system makes optimal use of buses more critical. It's incredibly challenging to ensure efficient bus routes with buses that are filled to capacity. Small vehicles help alleviate the use of underutilized buses, saving districts time and money.
6. **District Transportation Spend.** The use of small vehicles to serve students not easily serviced along a school bus route will make great strides in helping districts efficiently transport these students. Compare Maryland's reported per pupil transportation spend in 2019, which averaged \$685.75 - well above the national per pupil average of \$502 per student - with Arizona's average of \$417 and Florida's average of \$351. Note that the latter two states allow small vehicles to operate in

student transportation and give school districts broad discretion in setting standards for that service via contracts, with no reported impact to safety.¹

Learnings from Other States

Many states allow for transportation by small vehicles with little to no additional regulation at the state level. State Departments of Education leave it to the districts to determine their safety requirements. To give you a sense:

- **Virginia:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Washington D.C.:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **California:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Washington:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Texas:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Arizona:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Wisconsin:** Wisconsin statute sets forth very minimal driver and vehicle standards, granting districts broad flexibility in setting additional standards by contract.

¹ Maryland State Department of Education, Selected Financial Data Part 3 - Analysis of Costs, available at: <https://marylandpublicschools.org/about/Documents/DBS/SFD/2019-2020/SFD20192020PART3.pdf>; Georgia School Board Association Rural Task Force, 2020 Rural Report, available at: <https://gsba.com/wp-content/uploads/2020/12/GSBA-Funding-rtf20.pdf>; Lindsey A. Perry, Auditor General, A Report to the Arizona Legislature: Arizona School District Spending Fiscal Year 2019, available at: https://www.a Auditor.gov/sites/default/files/20-201_Report_No_Pages.pdf; Florida Dept of Education, Florida School District 2019-20 Transportation Profiles, available at: <https://www.fldoe.org/core/fileparse.php/7585/urlt/schtrandist1920.pdf>

- **Florida:** Florida statute allows for student transportation by non-school bus vehicles for a number of reasons, and sets forth minimum driver and vehicle standards, granting districts broad flexibility in setting additional standards by contract.
- **South Carolina:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **North Carolina:** Allows for small vehicle transportation for any need with no additional regulation. School districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.
- **Michigan:** Allows for small vehicle transportation for any need with no additional regulation. While the MI Department of Education has guidance on small vehicle transportation, school districts set the standards for this type of service through contract, allowing for local control and flexibility in meeting the needs of their students.

Student safety is not compromised in these states because school districts can, and very much do, set safety standards via contracts with service providers.

Existing Maryland Public Service Commission Regulations on Transportation Network Companies

HopSkipDrive is licensed as a transportation network company (TNC) in all nine states in which we operate, and holds an active TNC permit in the state of Maryland. As a TNC, HopSkipDrive arranges rides between ride requesting passengers and qualified drivers through use of a digital application. TNCs are subject to regulation by the Public Service Commission (PSC) and must adhere to stringent requirements relating to operations, including background checks for drivers and commercial auto insurance. For example, TNC regulations require that each TNC, in addition to other requirements:

- Register with the PSC and maintain good standing with compliance requirements;
- Ensure each TNC driver holds a valid driver's license and Transportation Network Operator license issued by the PSC;
- Ensure all TNC drivers undergo an initial and ongoing fingerprint-based background check² and motor vehicle history search, and have no disqualifying criminal or driving offenses outlined in [COMAR 20.95.01.26](#) prior to joining the TNC platform;

² Maryland statute does allow TNCs to formally request a waiver of the fingerprint requirement, however the PSC may only approve the waiver request if the TNC proves that their background check systems are comparable to the fingerprint-based search required by PSC code. Regardless of state TNC statutory and regulatory requirements, HopSkipDrive's standard practice is to conduct fingerprint-based background checks on all CareDrivers.

- Ensure appropriate training for all drivers regarding non-discrimination and accessibility requirements set by state and federal laws;
- Maintain automobile insurance coverage with respect to personal injury liability and property damage liability at the rates set by statute and regulations;
- Ensure all drivers undergo an annual vehicle inspection for vehicles age 10 and less, and a semi-annual inspection for vehicles age 10-12;
- Ensure that each driver utilize and display a vehicle decal demonstrating affiliation with the TNC during all rides;
- Ensure complete transparency in how the TNC charges fares and provide information to consumers on how to contact the PSC in case of a complaint; and
- Provide the driver's information, including a photo, and vehicle information to the ride requester in advance of the ride.

15-Point CareDriver Certification Process

HopSkipDrive CareDrivers are known as CareDrivers because they demonstrate values of honesty, respect, and responsibility when they care for the individuals riding in their vehicles.

In order to drive with HopSkipDrive, an individual must have the following minimum qualifications:

1. **Experience**
Has at least 5 years of caregiving experience.
2. **Criminal Record Check**
Pass a comprehensive search of county, state, and national records, including the global watchlist and sex offender registries.
3. **Fingerprinted**
Pass a fingerprint-based background check.
4. **Child Abuse and Neglect Scan**
Receive state-level clearance from the Department of Human Services database.
5. **Valid Driver's License**
Submit proof of valid driver's license.
6. **Driving Experience**
Have a minimum of 3 years of driving experience.
7. **Good Driving Record**
Pass an initial motor vehicle history search as well as ongoing monitoring for new driving infractions.

8. Age 23 or Older
9. Own or Lease a Vehicle Not More Than 10 Years Old , seating 4 to 7 Passengers
10. Submit Proof of Registration
11. Submit Proof of Insurance consistent with State Law
12. Pass an Annual Vehicle Inspection by a Certified Mechanic
13. Complete a Live Orientation with a member of the HopSkipDrive Team
14. Adopts the HopSkipDrive Community Guidelines
15. Adopts Zero Tolerance Policies for the use of drugs or alcohol while driving, nondiscrimination, no-touching, and no-cell phone usage.

Suggested Amendment to Proposed Regulations COMAR 13A.06.07.01,.03,.07-.21 Student Transportation

HopSkipDrive presents the following suggested amendment to the draft regulations for your consideration. HopSkipDrive is already stringently regulated by the Maryland Public Service Commission, and is subject to regulations relating to driver background checks, vehicle inspections, and operating standards. This amendment would give school districts the flexibility to utilize a transportation network company as a transportation provider in the same way they are currently using taxis, and school districts would be able to set any additional standards they see fit for this type of service through the contracting process.

.01 Definitions.

B. Terms Defined.

(3) *“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 Article 11-154, Annotated Code of Maryland, and that is not a vehicle regulated by the Public Service Commission pursuant to Public Utilities Article, Title 10, Annotated Code of Maryland.*

(38) “Transportation Network Operator Vehicle” has the meaning stated in COMAR 20.95.01.03.

[.11] .12 General Standards.

A. A school vehicle or school charter vehicle may not be used to transport students unless a vehicle acceptance sheet as required by the Maryland Motor Vehicle Administration has been completed by the supervisor of transportation and is on file in the local transportation office.

B. Except as permitted by this section, Type I or Type II school vehicles shall be used to transport students to and from school and school related activities when local school system sponsored transportation services are provided.

C. Vehicles other than Type I or Type II school vehicles and MFSAB vehicles may be used *to transport students to and from school or school related activities* if:

[(1) Special approval in writing has been given by the State Superintendent of Schools, consistent with the requirements of Transportation Article, §11-154(b)(2), Annotated Code of Maryland;]

[(2)] (1) The vehicle is a taxicab *or a transportation network operator vehicle*;

[(3)] (2) Only one student is transported;

[(4)] (3) The vehicle used is a commercial motor coach; or

(4) *A local board of education determines that it is necessary to own, operate, or contract the use of an alternative school vehicle for student transportation.*

[...]

I. Vehicles used to transport students on regular routes shall be:

- (1) New; **[or]**
- (2) Previously registered school vehicles originally used to transport Maryland public school students;

or

(3) A vehicle authorized by subsection C of this section .12.

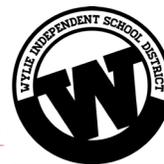
J. Spare Vehicles.

- (1) Spare vehicles shall be available during the time route vehicles are in operation.
- (2) Spare vehicles shall be:

- (a) New;
- (b) Previously registered regular route vehicles; **[or]**
- (c) Vehicles purchased new and verified in writing by the Motor Vehicle Administration as originally used in Maryland to transport private or parochial school students; *or*
- (d) (3) A vehicle authorized by subsection C of this section .12.*

Partnerships that Matter

HopSkipDrive has partnerships with over 350 with school districts, schools, county agencies, and nonprofits across the country to provide unparalleled service for students with disabilities, youth in the foster care system, youth experiencing homelessness, and general education students.



Testimonials

“BVSD contracts with HopSkipDrive to arrange alternative transportation for many of our McKinney Vento and Child Welfare students. They have helped us to reduce the number of routes and drivers we need to transport students who live in places outside of our district boundary. This has helped us keep our costs down, while maintaining a high level of service for our students in need. We have always found HopSkipDrive to be the safest and most reliable solution to our alternative transportation needs.”

- [Tony Skala, Director of Transportation for Boulder Valley School District](#)

“HopSkipDrive has been a huge asset to my CASA kid. She feels confident arriving at school in a car instead of a group home van. Her CareDrivers all respect her privacy and even sign her in and out of her school and group home. HopSkipDrive has off-the-charts customer service.”

- [Shelley B., CASA Volunteer](#)

“[A]s a retired Director of School Transportation in Colorado, and now active consultant to other directors, I witness the everyday success that many school districts have with HopSkipDrive. They are able to provide a critical service to our most vulnerable students safely, reliably, and cost effectively.”

- [Dave Anderson, Retired Director of Transportation for Adams 12 Schools](#)

“HopSkipDrive has fulfilled every ride we've ever requested and HopSkipDrive is always reachable and super responsive. Couple that level of service with the stability that HopSkipDrive gives back to youth in foster care and the result is something truly special.”

- [Kala S., Denver City and County Human Services](#)

“HopSkipDrive has been a tremendous resource, helping to get our students to off-campus activities and games as well as to school. The drivers have been 100% reliable, and I feel so safe having my students ride with them. They've been a lifesaver!”

- [Sarah H., Dir. of Student Life & Campus Operations, Westmark School](#)



December 18, 2021

Mr. Gabriel D. Rose
Director of Pupil Transportation/Emergency Management
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Re: Comments and concerns re promulgated regulations amending 13A.06.07 Student Transportation, Published November 19, 2021

Dear Mr. Rose:

As President of the Maryland School Bus Contractors Association (MSBCA), I write to provide the following comments on the proposed regulations published November 19, 2021 pertaining to student transportation in the State of Maryland.

MSBCA serves as the voice of the private school bus companies that contract with local Maryland school systems in the vast majority of jurisdictions to own and operate the nearly 3500 contracted school buses that transport schoolchildren across the State. MSBCA member companies remain committed to the safety of the students they transport and consider it a privilege to do so.

For the past several decades, we have worked closely with the Maryland Motor Vehicle Administration, Maryland State Police, Maryland State Department of Education, various local school systems and others through our participation on the State's School Vehicle Safety Advisory Committee. Together, the Committee has developed and continues to refine regulations to make Maryland school vehicles among the safest in the nation.

The fact remains school buses are the safest vehicles on the road to transport children, even safer than a child riding in a car with their parents. Less than one percent of all traffic fatalities nationwide occur on a school bus. According to U.S. Department of Transportation statistics, students are 70 times more likely to get to school safely when taking a school bus instead of traveling by car. Each day, more than 25 million students nationwide are transported to and from school on 480,000 yellow school buses and the industry has achieved an unsurpassed safety record. The daily mileage these buses travel is staggering. In Harford County, for example, school buses travel 42,000 miles per day. In Baltimore County that

number is 73,000 miles. Combined, the school buses in these two counties alone travel enough miles each day to circle the earth more than four times. These are the facts.

In Maryland, all school bus drivers must hold a CDL license, receive, at a minimum, 15 hours of classroom training and 9 hours of behind-the-wheel training, and be certified by the individual county in which he or she drives. Moreover, they must take a minimum of 6 hours of continuing education training annually and undergo annual physical evaluations to ensure their fitness to drive. Not only must all of our drivers complete criminal background and fingerprint checks prior to employment, the vast majority of our buses are equipped with cameras that audiovisually record everything that occurs onboard the bus. Moreover, the Maryland General Assembly passed legislation in 2020 and again in 2021 sponsored by Delegate CT Wilson to further ensure student safety by requiring additional 10-year employment background checks for all school employees and contractors. These are stringent – yet fully necessary and appropriate – standards in light of the precious cargo these drivers transport.

MSBCA has significant concerns regarding the aforementioned draft regulations published on November 19, 2021. Permitting the transportation of students in any vehicle other than a school bus inherently makes them less safe. This is a fact. Vans and certainly passenger vehicles simply do not provide the “tank-like” protection of a school bus.

Furthermore, we understand there are efforts being made by some Transportation Network Companies (TNCs) to use these regulations to permit them to transport students in Maryland under contract with school systems. This absolutely cannot happen. Permitting TNCs to transport school children would put them at risk on a multiple levels. First, passenger vehicles are not only inherently less safe, they do not have all the additional safety features of a bus, including flashing lights, stop arms, backup signals and more. Second, TNC drivers do not have to undergo the rigorous driver training and physical examinations of a school bus driver, nor does their regulator the Public Service Commission require the stringent background checks required of a school bus driver. Permitting TNCs to transport our schoolchildren in Maryland would be a huge and dangerous mistake and put our students severely at risk. It simply cannot happen.

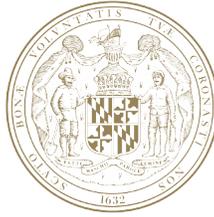
We hope you continue to keep the safety of all Maryland schoolchildren in the forefront of your mind when considering these draft regulations. Student safety must always come first.

Thank you for your attention to MSBCA’s comments.

Sincerely,

Steve Nelson

Steve Nelson, President
1 State Circle
Annapolis, MD 21401
410.268.3099



THE MARYLAND HOUSE OF DELEGATES WAYS AND MEANS COMMITTEE

The Honorable Mohammed Choudhury
State Superintendent for Schools
Maryland State Department of Education
Nancy S. Grasmick State Education Building
200 West Baltimore Street
Baltimore, MD 21201

December 21, 2021

Re: Promulgation of Regulations Subsequent to House Bill 72/Senate Bill 448

Dear Superintendent Choudhury:

As you know, safe, effective, and accessible student transportation is an integral part of a quality educational experience and a major contributor to ensuring fair and equitable education access for all Maryland students. In order to bring more transportation options and innovation to Maryland schools, the House Ways and Means Committee (the Committee), specifically the Education Subcommittee, worked diligently for two sessions to pass legislation that gives local school systems increased flexibility to address their unique transportation needs. While traditional yellow school buses continue to play a fundamental role in providing safe, efficient student transportation, jurisdictionally specific transportation requirements and needs have changed such that school districts require access to a variety of options to provide the best service for their students. The widespread impact of the national bus driver shortage and the COVID-19 pandemic have only compounded the situation.

In the public hearings held on this legislation in both the 2020 and 2021 Legislative Sessions, the Committee received testimony from a variety of stakeholders, including school district administrators, transportation directors, educators, parents, and students, all seeking increased autonomy and flexibility to address their transportation issues, including transportation for specialty student populations including students experiencing homelessness, foster youth, students with disabilities, or students in locations that are impracticable to serve with a traditional school bus. Additionally, school systems described their inability to cost-effectively address their everchanging transportation needs with only Type I or Type II vehicles and that they found themselves repeatedly seeking waivers from the State Superintendent in order to access different vehicles, services, and other transportation tools.

In response to these pleas, the General Assembly passed [House Bill 72/Senate Bill 448](#), which authorizes county school systems to use non-Type I and Type II vehicles to transport specified student populations

and directs the Maryland State Department of Education (MSDE), in consultation with county school systems and the Motor Vehicle Administration, to promulgate regulations to implement the legislation. In passing this legislation, the Committee intended to empower local school systems to use innovative transportation tools to better serve students and their families. We heard testimony about the potential use of vans, off-road vehicles, and traditional sedans to transport children with varied needs. We specifically heard testimony and reviewed recommendations from county student transportation [analysis](#) that noted the benefits for school systems and students of access to a variety of transportation tools, including transportation network companies regulated by the Public Service Commission. Subsequent to the bill passage, the State has also received [guidance](#) from the federal Department of Education confirming that Elementary and Secondary School Emergency Relief (ESSER) funds may be used for non-school bus vehicles and transportation services like transportation networks, bolstering our schools' ability to use a variety of resources to address their needs.

I have had the opportunity to review the proposed regulations (COMAR 13A.06.07.01,.03,.07-.21) published in the November 19, 2021 edition of the Maryland Register, and I have concerns that the proposed requirements are aimed solely at school systems using a traditional model of purchasing non-Type I or II vehicles and then directly hiring drivers for those vehicles. The proposed restrictions do not appear to permit a school system to utilize more innovative transportation tools like a platform-based transportation network, as we have seen in neighboring jurisdictions and states throughout the nation. To give school systems more flexibility under the regulations, as was contemplated by the underlying legislation, I respectfully request that MSDE consider amending the proposal to be more inclusive of these innovative tools.

As you know, Maryland has taken unprecedented steps in recent years to improve access and equity in Maryland's education system, and those actions include ensuring that all students have safe and equitable access to a quality education, regardless of where they are coming from. Creating a regulatory regime that gives our school systems the tools they need to ensure that every student has safe and reliable transportation to school and related activities is a key aspect of that equity, and this legislation and regulation is one opportunity to better equip our school administrators to fulfill that need.

Thank you for your attention in this important matter, and I appreciate your consideration of expanding the proposed regulations to be more inclusive of available transportation services.

Sincerely,

A handwritten signature in black ink that reads "Vanessa Atterbeary". The signature is written in a cursive style with a large, looping flourish at the end.

Vanessa Atterbeary, Chair

**COMMENTS ON PROPOSED STUDENT TRANSPORTATION REGULATIONS
(COMAR 13A.06.07.01,.03,.07-.21)**

December 3, 2021

Gabriel D. Rose

Director of Pupil Transportation/Emergency Management

Maryland State Department of Education

200 West Baltimore Street

Baltimore, MD 21202

Submitted via email to gabriel.rose1@maryland.gov; stateboard.msde@maryland.gov;
mohammed.choudhury@maryland.gov

Re: HB 72 and Proposed Regulations for COMAR 13A.06.07.01,.03,.07-.21 Student Transportation

Dear Administrative Specialist Leona Fitzgerald,

I'm writing in connection with the [draft regulations](#) relating to HB 72 and COMAR 13A.06.07.01,.03,.07-.21 Student Transportation.

We are the Safety Advisory Board for HopSkipDrive - a proven-safe, student-focused transportation solution operating in 9 states through contracts with more than 350 school district and county partners. Our Board consists of individuals with decades of experience in student transportation, youth safety, and youth healthcare.

Some of the requirements proposed in the draft regulations are more applicable to school buses and would hinder the opportunity for school districts to directly partner with safe small vehicle transportation companies as a solution to our current transportation challenges. School buses and school bus drivers are heavily regulated at the federal and state levels because school buses are large, commercial vehicles and specific training is necessary to be competent to operate them. Regulations for small vehicles, while ensuring safety, should be delineated from school bus type requirements due to the vast differences between those vehicles. For example:

- Requiring “audible backup warning alarms, installed behind the rear axle,” is excellent for large buses but an unreasonable burden for sedans/SUV drivers.
- Regulating that a school district’s name be lettered on both sides of a vehicle is great for a large yellow bus but doesn’t correlate to a small vehicle’s safety as verified driver recognition can be assured using designated company decals, electronically sharing driver information, and other forms of identification.
- Current draft regulations propose lengthy classroom and behind-the-wheel training for drivers. While this may be applicable to bus drivers, such extensive

training is not applicable to small sedan and SUV drivers. Small vehicle companies regulated by other Maryland state agencies, such as the Public Service Commission, provide applicable service instruction and require drivers to have a verified clean driving record.

Additionally, local education agencies have federal obligations to provide transportation services to qualifying students with disabilities and students experiencing housing instability. Districts and individual schools need the ability to quickly access small vehicle transportation for these services in order to not only meet the needs of those students, but also to meet their federal obligations. The regulations, as written, would prohibit them from doing so.

Today, we can leverage technology to promote safety and reduce the need for some of the more onerous and manual driver and vehicle requirements that have led us to the existing bus driver shortage. HopSkipDrive's practices serve as a perfect example of this. Through its GPS-enabled Safe Ride Support System, all parties to a student's ride, including school personnel, the student's parent, and HopSkipDrive staff, can track the ride in real time. This Safe Ride Support System not only provides complete transparency into a ride, but it also uses technology to both predict and detect in real time issues that could impact the ride.

As another example, HopSkipDrive uses telematics (sensors in smartphones) to detect unsafe driving patterns such as speeding, device usage while driving, and hard braking. This information is compiled and provided to HopSkipDrive CareDrivers weekly, along with tips for improving safety. We measure our own success with these metrics, and are thrilled to report that these scores have continued to improve.

In fact, CareDrivers are more than 75% safer than all global drivers and use their phones while driving almost 8 times less than the average U.S. driver. It's why we can report more than 20 million miles safely driven. We publish our safety statistics annually because we are proud of the results we've achieved, and because we believe it will help move the needle on safety across this industry. We've attached the last two reports for your review.

In summary, we request your assistance in revisiting and revising these regulations. We believe school districts can work directly with companies to set the standards for the contracted alternative transportation services students desperately need. Further, certain types of transportation solutions may not require additional regulation by MSDE; for example, HopSkipDrive is already stringently regulated by the Public Service Commission as a youth-focused transportation network company, and is subject to regulations relating to driver background checks, vehicle inspections, and operating standards.

At a time when returning to school and accessing resources is most critical for Maryland youth, we strongly encourage the Maryland State Department of Education to revise the

current proposed regulations for small vehicle transportation to remove unnecessary requirements.

Sincerely,

The HopSkipDrive Safety Advisory Board

Lisa Robinson
Dir. Government Contracts,
& Programs
HAAS Alert

Torine Creppy
President,
Safe Kids Worldwide

Diana Hollander
Retired Director of
Transportation
NV Dep't of Educ.

Dr. NanaEfua Afoh-Manin
MD, MPH, EMP
Founder of Shared Harvest Fund

Theresa Anderson
Region 5 Director
National Association for
Pupil Transportation

December 20, 2021

Mr. Gabriel D. Rose
Director of Pupil Transportation/Emergency Management
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Mr. Rose:

The Maryland Association of Boards of Education (MABE), on behalf of all 24 local boards, supports with amendment the proposed regulations under COMAR 13A.06.07 to implement legislation enacted in 2021 to provide reasonable flexibility for local school systems to expand the types of vehicles used for student transportation (SB 448, Ch. 198, 2021 Laws of Maryland).

The requested amendment addresses a technical but meaningful distinction between school-owned and contractor-owned school vehicles, including any alternative school vehicles authorized under the new law and proposed regulations. The proposed regulations describe the insurance requirements for alternative school vehicles as “the same as for other school system-owned Class A and Class M vehicles” (COMAR 13A.06.07.12.D(f)). This reference is incomplete and requires an amendment to reference not only insurance coverage requirements for “school system-owned vehicles” but also “contractor-owned vehicles.” These insurance requirements are not the same, due to the governmental tort liability cap that applies to school system-owned vehicles but not to non-governmental entities (See Section 4-105 of the Education Article and Section 5-518 of the Courts and Judicial Proceedings Article).

Therefore, MABE requests an amendment to insert “or contractor-owned” after “school system-owned” to ensure that the insurance requirement contained in the regulations appropriately distinguishes between the two types of ownership and clearly applies insurance requirements both to school system-owned and contracted vehicles.

Again, MABE supported Senate Bill 448 to authorize local school systems to provide transportation on a vehicle other than a traditional school bus. Importantly, the law ensures the continued focus on student safety by requiring that the Maryland State Department of Education (MSDE), in consultation with the Motor Vehicle Administration (MVA), adopt regulations establishing minimum vehicle and driver safety standards for the other modes of transportation provided for under this legislation. On behalf of local boards of education, MABE greatly appreciates the balanced approach of this legislation, and the proposed regulations, to provide greater flexibility while assuring that statewide standards will govern the safe transport of students at all times.

MABE believes that the flexibility provided by the new law and these implementing regulations will greatly benefit school systems in meeting the educational needs of individual and small groups of students through safe and cost-effective options to using school buses in all circumstances. With the addition of the amendment described above, MABE supports the proposed regulations as being aligned with the legislation in achieving these ends.

Sincerely,
John R. Woolums, Esq.
MABE Director of Governmental Relations

Dr. Patricia Saelens
President, PSSAM
Superintendent of Schools
Queen Anne's County Public Schools
202 Chesterfield Avenue
Centreville, Maryland 21617
410-758-2403 X126
patricia.saelens@qacps.org



January 14, 2022

Clarence C. Crawford, President
Maryland State Board of Education
200 West Baltimore Street
Baltimore, MD 21201

Mohammed Choudhury, State Superintendent
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Sent via electronic mail only

Dear President Crawford and Superintendent Choudhury,

As President of the Public Schools Superintendents' Association, I write in strong support of the recently published Student Transportation regulations (Comar 13A.06.07.01, .03, .07-.21). While the public comment period has ended, we wanted to go on record with our support as we were the main advocates for SB 448 and HB 72 during the 2021 legislation session prompting these regulations. This legislation created reasonable flexibility for local systems to expand the types of vehicles used for student transportation.

The Board is well aware of the transportation challenges local school systems are facing. The added flexibility in these regulations will help alleviate some of the strain on our system, and provide more efficient and timely transport of students. These regulations would make other viable modes of transportation available to local school systems, allowing us to rededicate school bus drivers to cover full routes within our districts, and the flexibility to deal with the transportation needs of special populations, especially our most vulnerable students.

We have reviewed the comments submitted by the Maryland Association of Boards of Education (MABE) and also support their request for a technical amendment that extends the appropriate insurance provisions to contractor-owned school vehicles. The proposed regulations include the insurance requirements for alternative school vehicles as "the same as for other school system-owned Class A and Class M vehicles" (COMAR 13A.06.07.12.D(f)). As more fully explained in MABE's letter, school system-owned buses fall under governmental tort liability cap; however, this liability is not extended to contractor-owned vehicles, therefore a distinction should be referenced in the regulations. We believe this should *not* be considered a substantive change and should not have to be re-published. The regulations should be amended as follows:

“insurance requirements.....the same as for other school system-owned **OR CONTRACTOR-OWNED** Class A and Class M vehicles.”

Again, thank for your continued support of our efforts to increase efficiencies, while maximizing safety, in our transportation systems. Please contact Mary Pat Fannon at marypat.fannon@pssam.org if you have any further questions.

Sincerely,



Dr. Patricia Saelens
President, PSSAM
Superintendent, Queen Anne’s County Public Schools

cc: Local Superintendents
Mary Pat Fannon, Executive Director, PSSAM