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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