

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 606

(Delegate Pena-Melnyk, *et al.*)

Environmental Matters

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Education - School Vehicle - On-Board Attendant

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This bill prohibits an individual from serving as a school vehicle on-board attendant unless the individual (1) is an employee of the local school system or transportation company that operates the school vehicle or is otherwise authorized by the local school system to act as a school vehicle on-board attendant for a child on the school vehicle; and (2) is in possession of photo identification that identifies the local school system or transportation company that employs the attendant or is in possession of photo identification or another document issued by the local school system that authorizes the individual to act as a school vehicle on-board attendant for a child on the school vehicle.

With the advice of the Maryland State Department of Education (MSDE), the Motor Vehicle Administration (MVA) may adopt regulations concerning the qualifications of school vehicle on-board attendants.

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Fiscal Summary

**State Effect:** MVA and MSDE can update or expand on existing regulations as necessary with budgeted personnel and resources. The bill is generally directed at local school systems and school bus contractors.

**Local Effect:** Enforcement can be handled with existing resources. Providing school bus attendants in Howard and Somerset counties and Baltimore City with photo identification badges or other documentation may increase expenditures minimally.

**Small Business Effect:** Minimal. It is assumed that any costs incurred by small business bus contractors for photo identification badges or other documentation will be passed on to the local school systems.

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## Analysis

**Current Law:** According to the Code of Maryland Regulations (COMAR), before riding in the capacity of a school vehicle attendant on a school vehicle with students on board, a school vehicle attendant must complete a minimum of two hours of pre-service instruction that includes one hour of instruction in first aid and one hour of instruction appropriate to the duties of the attendant. Every 12 months an attendant must complete two hours of in-service instruction in topics that include equipment, student management, and first aid.

In addition, a school vehicle attendant must be in good health, mature, able to discharge the duties of the position, and able to command the respect of others. An attendant must also be able to exercise sound judgment to make appropriate decisions in emergency situations.

An individual may not serve as a school vehicle attendant if the individual has been convicted of a criminal charge or if a criminal charge is pending for a crime involving (1) child abuse or neglect; (2) contributing to the delinquency of a minor; (3) moral turpitude, if the offense bears directly on the individual's fitness to assist minors; (4) a crime of violence; or (5) any conduct that may endanger the safety of students being transported. In addition, an individual who pleads guilty or *nolo contendere* with respect to, is placed on probation before judgment with respect to, or is convicted of one of those crimes, is permanently disqualified from serving as a school vehicle attendant.

An individual who pleads guilty or *nolo contendere* with respect to, or is convicted of an alcohol or controlled substance offense as defined in federal or State law is disqualified from serving as a school vehicle attendant for a period of ten years from the date of action.

Misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety may be grounds for disqualification and termination by the supervisor of transportation.

MSDE's Office of Pupil Transportation must maintain a confidential computer database of attendants who have been disqualified.

**Background:** According to MSDE, in 21 of the State's 24 local school systems all bus attendants have photo identification badges that meet the requirements of the bill. There are bus attendants in Howard and Somerset counties and Baltimore City who are not issued photo identification that meet the requirements of the bill. Bus attendants in Howard County are all employees of school bus contractors. Bus attendants in Somerset County are all employees of the Somerset County Public School System. In

Baltimore City, some bus attendants are school system employees and some are school bus contractor employees. Only the school system employees are issued photo identification badges; school bus contractor employees are not.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** Although listed as a cross file, SB 312 (Senator Pugh, *et al.*) - Judicial Proceedings is not identical.

**Information Source(s):** Maryland State Department of Education, Maryland Department of Transportation, Garrett County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2012  
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