

**CITY OF BALTIMORE
COUNCIL BILL 11-0241R
(Resolution)**

Introduced by: Councilmembers Branch, Clarke, President Young, Councilmembers Cole,
Middleton, Kraft, Stokes, Reisinger, Welch, D’Adamo, Henry, Spector

Introduced and read first time: January 10, 2011

Assigned to: Education Committee

REFERRED TO THE FOLLOWING AGENCIES: Baltimore City Public School System, City Solicitor

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Laws and Policies Governing the Baltimore City Public Schools in**
3 **Providing the Safe Transport of Special Needs Students by the School System and its**
4 **Contractor Bus Companies and Recommendations for Additions to Existing Governance**
5 **Requirements**

6 FOR the purpose of inviting representatives from the Baltimore City Public Schools (BCPS), the
7 Maryland State Department of Education (MSDE), the Maryland Disability Law Center,
8 parents, guardians and families of special needs students, and the general public to discuss
9 federal, State, and local laws and policies in place to ensure the safety of special needs
10 children transported by the BCPS and its contractors and to recommend possible additions to
11 such laws and policies.

12 **Recitals**

13 In December 2010, 6-year-old special needs student Jeremy Jennings, Jr. met his tragic death
14 by abruptly exiting the moving yellow school bus transporting him home from Villa Maria at
15 St.Vincent’s, a Catholic special education school in Timonium, Maryland.

16 The Baltimore City Public Schools, Office of Pupil Transportation, directly and through
17 contract, transports just over 5,000 students a day who are eligible for curb-to-curb
18 transportation services, of which 60% have transportation recommended in their Individualized
19 Education Plans (IEP’s), the mandated plan developed for each special needs student in
20 Maryland.

21 Of all categories of students eligible for curb-to-curb services, the largest group is comprised
22 of special needs students, including those requiring wheelchair lift-equipped buses. Such special
23 needs students include City residents requiring transportation to private schools, including
24 schools in other jurisdictions, which are judged best able to meet their special learning needs.
25 Although contracted taxis transport many of these students, most travel on yellow school buses.

26 The BCPS owns about 50 buses and directly operates approximately 31 curb-to-curb routes
27 exclusively for special needs students. 19 private bus contractors operate a total of
28 approximately 260 routes daily, serving special needs students and other categories of
29 curb-to-curb and corner-to-corner eligible students (about 5,000 and 2500 students,
30 respectively). 430 of these students are transported to schools outside of Baltimore City.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 As with all local school districts in Maryland, the Baltimore City Public Schools must
2 operate its direct and contractual transportation services in compliance with Maryland law.
3 [COMAR Title 13A, Subtitle 06, Chapter 7 Student Transportation]

4 The State Board of Education, through regulations published in COMAR, regulates the
5 qualifications and disqualification of school vehicle drivers and attendants, both public and
6 contractual personnel, as well as their required training and basic job obligations. COMAR also
7 regulates the age and condition of vehicles and mandates specific driving instructions, for
8 example, the prohibition of routes over uncontrolled high speed railroad crossings. In addition,
9 local school districts must comply with regulations promulgated by the U.S. Department of
10 Transportation.

11 Local school systems may adopt policies and procedures that exceed but do not conflict with
12 existing federal and State statutes, rules, regulations, policies, and procedures.

13 In the past, local BCPS yellow bus policies and procedures have been revised in response to
14 specific incidents to protect against future events that could adversely affect individual special
15 needs students. As reported by The Baltimore Sun's Erica Green, a 6-year-old blind student
16 went missing in September 2000 until found late at night locked into her bus on a deserted
17 parking lot. A year later, a special needs student was reported missing from school until found
18 asleep in her bus.

19 Further reported in The Sun, "The city schools' transportation manual was revised to include
20 a paragraph, highlighted in bold letters and accented with exclamation points, stating that the bus
21 driver and attendant are responsible for checking for sleeping children." The reporter notes that,
22 "Parents of special-education children hope that Jeremy's death will lead to similar changes." [
23 The Baltimore Sun, "School bus driver may have violated policy in child's death," Erica L.
24 Green, December 29, 2010.]

25 In response to Jeremy Jennings, Jr.'s accident and death, members of the public and of the
26 Baltimore City Council have raised a number of questions about existing and suggested
27 regulations to further protect the children riding our yellow school buses. The Education
28 Committee hearing seeks information and proposals to that end.

29 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That
30 representatives of the Baltimore City Public Schools, the Maryland State Department of
31 Education, the Maryland Disability Law Center, parents, guardians and families of special needs
32 students, and the general public are invited to appear before the Education Committee of the
33 Baltimore City Council to discuss the laws, regulations, and policies in place and to recommend
34 any additions to ensure further protection for our special needs students.

35 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the CEO, COO,
36 and Director of Pupil Transportation of the Baltimore City Public Schools, the Maryland State
37 Superintendent of Schools, the Managing Attorney of the Maryland Disability Law Center,
38 BCPS bus contractors, special needs family groups throughout Baltimore City, the Mayor, and
39 the Mayor's Legislative Liaison to the City Council.