



Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: Councilmembers Branch and Clarke

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Informational Hearing - Laws and Policies Governing the Baltimore City Public Schools in Providing the Safe Transport of Special Needs Students by the School System and its Contractor Bus Companies and Recommendations for Additions to Existing Governance Requirements

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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