

THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM  
10910 Clarksville Pike  
Ellicott City, Maryland 21042

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Chief of Staff

Policy Update

To: All Staff

From: Susan C. Mascaro  
Chief of Staff

On November 20, 2014, the Board of Education adopted revisions to Policy 5220 School Bus Contracts and School Bus Personnel effective December 1, 2014.

Revisions to Policy 5220 include updated definitions for School Bus Personnel, School Bus Attendant, School Bus Contractor, and School Bus Drivers; criteria for approving school bus contracts; and alignment of school bus contract awards with Policy 4050 Procurement of Goods and/or Services.

The revisions to the implementation procedures include school bus inspection requirements, time periods when liability insurance is in effect, mandates that school bus contractors must implement an alcohol and controlled substance use testing program. The revisions also state that the Pupil Transportation Office will ensure that school bus contractor personnel meet all federal, state, and local laws and regulations.

The entire policy can be accessed on the HCPSS website at <http://www.hcpss.org/board/policies/>

Thank you for your attention to this update.

SCM/FA/KB  
Attachment

**I. Policy Statement**

The Board of Education recognizes the need to provide safe, reliable and efficient transportation services to students for educational and extracurricular programs. The Board further recognizes the need to contract with legal entities which are qualified school bus contractors with certified personnel and equipment.

**II. Purpose**

The purpose of this policy is to establish guidelines for the administration of school bus contracts and school bus personnel.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. School Bus – A vehicle approved by the Howard County Public School System (HCPSS) as required in the school bus contract with the Board.
- B. School Bus Attendant – An individual approved to assist students and the school bus driver as required in the school bus contract with the Board.
- C. School Bus Contract (Contract) – A binding written agreement between the Board and a school bus contractor to provide school transportation services for the HCPSS.
- D. School Bus Contractor (Contractor) – A legal entity approved to operate school buses when awarded a school bus contract by the Board.
- E. School Bus Driver – An individual approved to operate a school bus as required in the school bus contract with the Board.
- F. School Bus Inspection – A scheduled or non-scheduled inspection of school buses performed by HCPSS staff, Maryland Motor Vehicle Administration (MVA) inspectors, or licensed private service providers.
- G. School Bus Personnel – School bus drivers and school bus attendants employed by school bus contractors.

**IV. Standards**

- A. All legal entities awarded school bus contracts with the Board will be approved based on, but not limited to: experience, criminal background checks, personal and professional references, garage location, safety and driving records, appropriate financial position, school bus inspection records, and available qualified personnel.
- B. All personnel provided by the school bus contractor in fulfillment of the requirements of the school bus contract with the Board will meet all applicable federal and state motor vehicle licensing requirements, Code of Maryland Regulations (COMAR), and HCPSS requirements.
- C. All vehicles provided by the school bus contractor for transportation services will comply with all United States Department of Transportation (USDOT), Maryland MVA, COMAR, and HCPSS requirements and specifications as defined in the school bus contract.
- D. School Bus Contracts
  - 1. School bus contracts will be awarded to the best qualified legal entity and in accordance with HCPSS Policy 4050 Procurement of Goods and/or Services. All contract awards will be recommended to the Board for approval.
  - 2. Transfer of school bus contracts is prohibited unless expressly approved by the Board.
  - 3. In emergency situations which result in non-fulfillment of school bus contract requirements, school bus contracts may be temporarily assigned by the Superintendent/Designee without prior approval of the Board. Temporary school bus contract assignments are limited to less than one fiscal year.

**V. Responsibilities**

- A. The Superintendent/Designee will ensure that standards for awarding school bus contracts are implemented and followed consistently.
- B. The Superintendent/Designee will oversee the pupil transportation system related to safety, transportation of students, safe condition of buses, the competence and fitness of school bus personnel, route assignments, and other issues relating to the day-to-day operation of the transportation system.
- C. The Pupil Transportation Office will provide copies of applicable policies and procedures to school bus contractors and will provide appropriate professional development and in-service training.

- D. School bus contractors are responsible for being fully informed of policies and procedures associated with the provision of school bus contracts and of any amendments thereto.

## VI. Delegation of Authority

The Superintendent/Designee is authorized to develop appropriate procedures to implement this policy.

## VII. References

### A. Legal

Federal Motor Carrier Safety Administration (FMCSA) Regulations 49 CFR part 382,  
Controlled Substances and Alcohol Use and Testing  
United States Department of Transportation (USDOT) Regulations 49 CFR Part 40,  
Procedures for Transportation Workplace Drug and Alcohol Testing Programs  
The Annotated Code of Maryland, Education Article  
Section 5-105 (Liability insurance)  
Section 5-205 (Grants to provide transportation services; rules and regulations for  
safe operation)  
Section 7-801 (Transporting students)  
Section 7-802 (Driver's age)  
Section 7-804 (Length of use of school bus)  
The Annotated Code of Maryland, Transportation Article  
Section 11-153 (School bus)  
Section 11-154 (School vehicle)  
Section 11-173 (Type I school vehicle)  
Section 11-174 (Type II school vehicle)  
Section 13-420 (Registration of school vehicles)  
Section 13-932 (School vehicles: Class H)  
Section 16-103.2 (School vehicle drivers)  
Section 16-816 (School vehicles)  
Section 21-703 (Stopping at all railroad crossings)  
Section 21-706 (Overtaking and passing school vehicle)  
Section 21-1118 (School Bus regulations)  
Section 22-218 (Audible and visual signals on vehicles)  
Section 22-227 (Special restrictions on lamps)  
Section 22-228 (Special equipment on school vehicles)  
Section 22-418 (Color of school vehicles)  
Section 23-107 (Inspection certificate)  
Section 25-110 (Regulations relative to school vehicles)  
COMAR 11.19.01 to .08 Motor Vehicle Administration (MVA) – School Vehicles  
COMAR 13A.06.07 Student Transportation

- B. Other Board Policies  
Policy 1010 Discrimination

Policy 2050 Advisory Committees to Staff and Schools  
Policy 4050 Procurement of Goods and/or Services  
Policy 5200 Pupil Transportation  
Policy 9200 Student Discipline

- C. Relevant Data Sources  
Vehicle Maintenance and Safety Records
- D. Other  
HCPSS Student Code of Conduct

### **VIII. History**

ADOPTED: October 3, 1967

REVIEWED:

MODIFIED:

REVISED: August 10, 1989  
June 13, 1996  
December 14, 2000  
June 10, 2004  
April 10, 2008  
November 20, 2014

EFFECTIVE: December 1, 2014

**SCHOOL BUS CONTRACTS AND**  
**SCHOOL BUS PERSONNEL**

Effective: December 1, 2014

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**I. School Bus Contract Bid and Award**

- A. Notification that school bus contracts are available for competitive bid will be advertised in accordance with Policy 4050 Procurement of Goods and/or Services.
- B. School bus contracts will be awarded to the best qualified legal entity in accordance with Policy 4050 Procurement of Goods and/or Services. Further factors may include:
  - 1. Experience
  - 2. Satisfactory past and present performance
  - 3. Criminal background investigations
  - 4. Personal and professional references
  - 5. Motor Vehicle Administration record(s)
  - 6. State of Maryland Administration and the Howard County Public School System (HCPSS) school bus inspection records
  - 7. Garage location
  - 8. Appropriate financial information
  - 9. Personnel
  - 10. Equipment
- C. Requests for transfer of school bus contracts must be submitted in writing to the Superintendent/Designee for review and recommendation to the Board.

**II. School Bus Contract and School Bus Contractor Performance**

- A. The Superintendent/Designee administers the contract.
- B. The Pupil Transportation Office coordinates and schedules transportation services.
- C. Any disputes or disagreements regarding the performance of a school bus contractor or the fitness and competence of school bus personnel will be processed in accordance with the provisions set forth in the applicable procedures and regulations.
- D. Failure by a school bus contractor to perform in accordance with the contract and/or other applicable statutes or regulations is a breach of contract with the

Board. The Superintendent/Designee will notify the contractor in writing of the alleged breach and of resulting recommendations.

- E. After determining that the contractor is in breach of the contract, the Director of Pupil Transportation will implement and/or recommend one or more of the following penalties to the Board and/or Superintendent/Designee:
1. Issuance of a letter of reprimand or warning.
  2. Placement of the contractor on probationary status pending future compliance related to the deficiency.
  3. Temporary suspension of the contract and any payment.
  4. Withholding of payment for failure to comply with routes, schedules, or any part of the assignment associated with the payment formula.
  5. Termination of the contract. If termination of the contract is recommended, the Director of Transportation will forward the findings to the Board.

### **III. Mechanical Performance of School Buses**

- A. School buses providing services under contract to the Board must comply with all inspection requirements promulgated by the United States Department of Transportation (USDOT), the Maryland Motor Vehicle Administration (MVA), COMAR and as deemed necessary by the Superintendent/Designee.
- B. Contractor-owned school buses are required to comply with federal, state, and local requirements in maintaining their buses in the proper condition without cost to the school system.
- C. All vehicles will be inspected by the Pupil Transportation Office for compliance prior to being approved as a vehicle fulfilling the requirements of a school bus contract or as a spare bus.
1. Every school bus will be inspected by the Pupil Transportation Office at least three (3) times per year with one of the inspections being with the MVA.
  2. In addition to the three (3) regularly scheduled inspections, the Superintendent/Designee may require other inspections of individual buses at any time to ensure the safe transportation of students.
  3. If an additional inspection is required due to poor operation, or if the mechanical condition of the school bus is in question, the cost of the inspection may be charged to the contractor.
  4. Upon inspection, defects will be noted as minor or major.
    - a. Minor defects require repair within thirty (30) days.
    - b. Major defects require:

- i. The school bus to be taken out of service.
- ii. Immediate repair prior to the school bus being placed back in service for the transportation of students.

#### **IV. Competence and Fitness of School Bus Contractor Personnel**

- A. The Director of Pupil Transportation has the right to determine the competence and fitness of school bus personnel under the school bus contract between the Board and individual school bus contractors. School bus personnel are employees of the school bus contractor and not the Board; therefore, these procedures do not confer any substantive rights on school bus contractor personnel.
- B. The Pupil Transportation Office will receive and review all documentation to ensure that school bus contractor personnel meet all federal, state, and local laws and regulations.
- C. The Director of Pupil Transportation will investigate alleged incidents bearing on the fitness and competence of contractors and/or school bus personnel, and recommend appropriate follow-up action to be taken.
- D. The Director of Pupil Transportation will notify the contractor as soon as practicable of any investigation and any required action associated with the duties of the contractor personnel.
- E. Under emergency situations, the Director of Pupil Transportation may immediately remove a bus driver or bus attendant from duty.
- F. The school bus contractor has the right to appeal the Director of Pupil Transportation's action in accordance with Section VII of these procedures.

#### **V. Liability Insurance**

- A. A statement of vehicle liability insurance coverage will be provided to each contractor by the Director of Pupil Transportation. The liability insurance coverage for approved school buses will be determined by the Maryland Association of Boards of Education (MABE) Group Insurance Pool and coverage will be in effect during periods of time that the school bus is engaged in approved school business. The vehicle liability insurance will apply when vehicles are:
  1. On school system business or transporting students to and from school or when transporting students or other authorized passengers and/or Board employees on approved school-related activities, including the operation of the buses to and from the regular storage or garage location without any interim stops for any unapproved personal business or activity. Approval of insurance coverage outside of school business will be requested, and any approval will be granted by the Director of Pupil Transportation.



2. Operated for maintenance, testing purposes, or bus inspections.
  3. Used for training of school bus drivers.
  4. Used for route preview and/or review purposes.
  5. Obtaining fuel and/or seeking repairs between trips and/or from garage location to and from first or last stop.
  6. Operating from garage location to first stop and from last stop to garage location (a.m. and p.m.).
  7. On approved field trips and approved athletic trips including when it is necessary to obtain meals, fuel, and repairs.
  8. Operating during the time of the designated "route assignment" for meal/coffee or restroom breaks. "Route assignment" time is the time from when the bus leaves the garage location to pick up students at their bus stops to when the last group of students are dropped off at school; and the time from when the bus leaves the garage to pick up students at school to when the last stop is completed to drop students off at their bus stops. These breaks should not be taken when students are on board the bus. No other personal business is allowed during these breaks.
  9. Used for any other purpose related to the contractor's performance of his/her contractual duties approved in advance by the Director of Pupil Transportation.
- B. Any accident claim submitted by a contractor which is not addressed by the items noted above will be considered by the vehicle liability insurance administrator on an individual case basis.

## **VI. Alcohol and Controlled Substance Use and Testing**

Alcohol and Controlled Substances Use and Testing of all school bus personnel will be conducted as required by the USDOT, Code of Maryland Regulations (COMAR) Title 13A, and the Director of Pupil Transportation.

- A. In compliance with the above regulatory agencies and persons, the Alcohol and Controlled Substances Use and Testing Program will include testing in the following areas:
1. Pre-employment (drug testing only)
  2. Post-accident
  3. Random
  4. Reasonable cause.

- B. In compliance with USDOT, COMAR, and directives of the Superintendent/ Designee, all school bus drivers must participate in an alcohol and controlled substances testing program. This may be accomplished through the contractor's testing program or by joining a consortium with a testing company that meets all USDOT requirements.
- C. Contractors (employers) will certify on an annual basis that their drivers (employees) are participating in an alcohol and controlled substances use testing program and that their testing program is in full compliance with all requirements. This will be accomplished by providing the Pupil Transportation Office with a copy of all required forms submitted to the USDOT.
- D. Each contractor will provide a copy of their required drug/alcohol policy to the Pupil Transportation Office to be maintained in the contractor's file. If at any time the policy is changed, a revised copy must be sent to and approved by the Pupil Transportation Office.
- E. In addition to all USDOT requirements, the contractor's policy will include the following:
  - 1. A statement requiring the testing company to contact the Pupil Transportation Office at the same time the contractor is notified in the event of any positive drug/alcohol test. This would include positive results as well as refusing to undergo a controlled substances use or alcohol test or failing to undergo the test(s) within the time limits established by USDOT regulations.
  - 2. A statement requiring the company/consortium to provide to the Pupil Transportation Office a quarterly listing of the names, dates, and times of notification for all drivers given to the contractor for random drug and/or alcohol testing.
  - 3. A statement indicating that the Pupil Transportation Office supervisory staff may act on behalf of the contractor to notify a driver of a post-accident or reasonable cause drug and/or alcohol test.
- F. On a quarterly basis, the contractor will provide the Pupil Transportation Office with a listing of the names, dates, and times of when they notified a driver for a drug and/or alcohol test.
- G. At the discretion of the Pupil Transportation Office supervisory staff, school bus personnel may be required to undergo a post-accident drug and/or alcohol test even though it may not be required under USDOT regulations.
- H. A school bus applicant/driver who tests positive for a required test for controlled substances and/or has an alcohol concentration greater than .00 will be disqualified from operating a school bus for the HCPSS.

- I. All USDOT required records maintained by the contractor will be open for inspection by the Pupil Transportation Office during the Department of Education's working hours on any business day.

## **VII. Reviews, Appeals, and Hearings**

- A. School Bus Contract/School Bus Contractors
  1. If a contractor desires to appeal and/or review the recommendation of the Director of Pupil Transportation regarding a breach of contracts, the contractor will notify the Superintendent/Designee, in writing, within fifteen (15) calendar days of the written recommendation.
  2. Upon receipt of the school bus contractor's request for appeal and/or review, the Superintendent/Designee will meet with the contractor and the contractor's representative(s), if applicable, to consider the contractor's appeal.
  3. After consideration of the appeal and/or request for review, the Superintendent/Designee will determine whether the contract has been breached, and if a breach is found the Superintendent/Designee will make a written recommendation to the Board as to the penalty to be imposed.
  4. If the contractor desires to review the recommendation of the Superintendent/Designee, the contractor will notify the Board within fifteen (15) calendar days of receipt of the written recommendation.
  5. Investigations and Reviews.
    - a. If the contractor requests a review of the recommendation of the Superintendent/Designee to the Board, the Board will decide whether it will accept the review and the manner in which it will consider the review. The contractor must request a review by the Board within fifteen (15) calendar days after receiving the aforementioned recommendation. The Board may consider the investigatory review in one or more of the following ways:
      - i. By review of the file and written documentation;
      - ii. By requesting that the parties present oral arguments; or,
      - iii. By conducting a full evidentiary review, in unusual circumstances, where appropriate.
    - b. If the Board renders a decision for any review, its decision will be in writing and will be provided to the school bus contractor.

**B. School Bus Contractor Personnel**

1. If a school bus driver or school bus attendant wishes to appeal a recommendation of the Director of Pupil Transportation, the appeal must be requested in writing within fifteen (15) calendar days of the Director's action.
2. If the bus driver or bus attendant appeals the recommendation of the Director of Pupil Transportation, the Superintendent/Designee will hear the appeal. The Superintendent/Designee will meet with the driver or attendant and/or the contractor to hear their versions of the events and will render a decision. A written decision will be sent to the driver or attendant and the contractor informing them of their right to request a review by the Board. The request for review of the Superintendent/Designee's recommendation must be made within fifteen (15) calendar days after receipt of the written decision noted above.
3. If the bus driver or bus attendant requests a review of the decision of the Superintendent/Designee to the Board, the Board will decide whether it will accept the review and the manner in which it will consider the review. The Board may consider the review by reviewing any files and/or written documentation. If the Board renders a decision for any review, its decision will be in writing and will be provided to the bus driver or bus attendant.

**VIII. History**

ADOPTED: August 10, 1989  
REVIEWED:  
MODIFIED:  
REVISED: December 14, 2000  
April 10, 2008  
November 20, 2014  
EFFECTIVE: December 1, 2014