

BOARD OF EDUCATION
POLICY 5220
SCHOOL BUS CONTRACTS AND
SCHOOL BUS PERSONNEL

Effective: July, 1, 2008

I. Policy Statement

The Board of Education recognizes the need to provide transportation services to students who otherwise would not have access to various components of the extracurricular, co-curricular, and educational programs. The Board further recognizes the need to enter into school bus contracts with private individuals and companies to provide needed transportation services. It is the Board's responsibility to approve qualified individuals and companies to become school bus contractors. The Board desires safe and efficient transportation services and recognizes the role school bus contractors and their personnel play in providing these desired services. To that end, the Board is committed to the provision of school bus services through the use of certified and approved contractors, vehicles, and contractor personnel.

II. Purpose

The purpose of this policy is to establish criteria and provide guidelines for the selection of school bus contractors and the award of school bus contracts. Furthermore this policy establishes standards of performance for school bus contractors and their personnel, and establishes processes by which the Board assures that these standards are met.

III Definitions

- A. Personnel – For purposes of this policy, personnel both includes and is limited to school bus contractors, school bus drivers, and school bus assistants.
- B. School Bus – A vehicle approved to provide transportation service to fulfill the requirements of a Howard County Public School System (HCPSS) school bus contract.
- C. School Bus Assistant – An individual approved to assist a school bus driver while providing transportation services as called for in a school bus contract with the HCPSS.
- D. School Bus Contract – A written agreement between the Board and an individual or entity to provide public school transportation services to the school system.
- E. School Bus Contractor – An individual or company who enters into a school bus contract.

- F. School Bus Driver – An individual approved to operate a school bus while providing transportation services as called for in a school bus contract with the HCPSS.

IV. Standards

A. Vehicles

1. All vehicles provided by the school bus contractor for transportation services will comply with all Department of Transportation, State of Maryland Motor Vehicle Administration, COMAR, and Howard County Public School requirements and specifications as noted in the school bus contract.
2. All vehicles will be inspected for compliance by the Superintendent's designee prior to being approved as a vehicle fulfilling the requirements of a school bus contract or as a spare or substitute school bus.
3. The minimum liability insurance for approved school buses will be provided by the Board and will be in effect during periods of time that the school bus is engaged in approved school business.

B. Personnel

All personnel provided by the school bus contractor in fulfillment of the requirements of the contract with the Board will meet all applicable federal and state motor vehicle licensing requirements, COMAR requirements, and Howard County Public School requirements, including required professional development and inservice training.

C. School Bus Contractor

All individuals or companies awarded school bus contracts with the Board will be approved based on, but not limited to, criminal background checks, personal and professional references, garage location, driving record, appropriate financial position, and available qualified personnel.

D. Award of School Bus Contracts

1. School bus contracts will be awarded to the best qualified person or company and consideration of bid rates submitted by potential school bus contractors through a competitive bidding process. Awarding of contracts will comply with Policy 1010, Discrimination. Recommendations for contract award will be made after applications have been thoroughly screened. All contract awards will be recommended to the Board for approval.

2. The number of school bus contracts awarded to any individual or company will be limited to no more than 15 percent of the total number of school bus contracts awarded by the Board.
3. Transfer of contracts is prohibited unless expressly approved by the Board.
4. 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 approval of the Board. Temporary school bus contract assignments are limited to less than one calendar year.

E. Advisory Committee

The Pupil Transportation Office will have an advisory committee in accordance with Policy 2050.

V. Compliance

- A. The Superintendent/designee is responsible for ensuring that standards are implemented and followed.
- B. The Superintendent's designee is responsible for overseeing the pupil transportation system and for deciding issues related to safety, transportation of students, safe condition of buses, the competence and fitness of drivers/assistants, route assignments, and other issues relating to the day-to-day operation of the public school pupil transportation system.
- C. 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.
- D. The Pupil Transportation Office is responsible for providing copies of applicable policies and procedures to bus contractors and for providing appropriate professional development and inservice training.

VI. Delegation of Authority

The Superintendent 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 – School Vehicles

COMAR 13A.06.07 Student Transportation

B. Other Board Policies

Policy 1010 Discrimination

Policy 2050 Advisory Committees to Staff and Schools

Policy 5200 Pupil Transportation

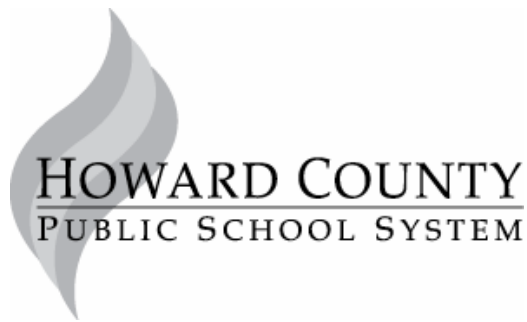
Policy 5210 Pupil Transportation: Student Conduct

ADOPTED: October 3, 1967

AMENDED: August 10, 1989

June 13, 1996
December 14, 2000
June 10, 2004
April 10, 2008

EFFECTIVE: July 1, 2008



POLICY 5220-PR
IMPLEMENTATION PROCEDURES
SCHOOL BUS CONTRACTS AND
SCHOOL BUS PERSONNEL

Effective: July 1, 2008

I. Definitions

- A. Contractor Personnel Approval – A status granted by the Director of Pupil Transportation permitting an individual to perform duties as school bus contractor personnel for the HCPSS.
- B. School Bus Inspection – A scheduled inspection as prescribed by regulations or a non-scheduled inspection of school buses performed by HCPSS staff, Maryland Motor Vehicle Administration (MVA) inspectors, or licensed private service providers at the request of the Director of Pupil Transportation.

II. School Bus Contract Availability

Notification that school bus contracts are available for competitive bid will be placed in newspapers and other publications by the Purchasing Department on an as-needed basis.

III. School Bus Contract Administration

- A. Any disputes or disagreements regarding the performance of a bus contractor or the fitness and competence of personnel will be processed in accordance with the provisions set forth in the applicable procedures and regulations.
- B. Issues related to entitlement to bus transportation will be addressed in accordance with Policy 5100, Pupil Transportation. Issues related to student conduct on school buses will be addressed in accordance with Policy 5210, Pupil Transportation: Student Conduct.

IV. Contractor Performance: Breaches, and Penalties

- A. Breaches – Bus contractors who fail to perform their contractual duties have breached their contract with the Board. When a bus contractor has allegedly failed to perform in accordance with the contract and/or any other applicable statutes or regulations, the Director of Pupil Transportation will notify the contractor in writing of the alleged breach and of resulting recommendations to the Chief Operating Officer.

- B. Penalties – In recommending that the Board declare the contractor in breach of the contract, the Director of Pupil Transportation may recommend one or more of the following penalties:
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 reimbursement (payment)
 4. Withholding of reimbursement for failure to comply with routes, schedules, or any part of the assignment associated with the reimbursement formula
 5. Termination of the contract and/or contracts in question.

V. Mechanical Performance of School Buses

School buses providing services under contract to the Board will be subject to inspections associated with the safety and mechanical soundness of the vehicle. Inspections will be conducted as required by the MVA and state regulation and as deemed necessary by the Director of Pupil Transportation. Defects will be noted as minor defects or major defects as defined in regulation. Minor defects require repair within thirty days. Major defects require immediate repair prior to the bus being placed back in service for the transportation of students.

VI. Competence and Fitness of Contractor Personnel

These procedures implement the Board's right to determine personnel competence and fitness under the bus contract between the Board and individual bus contractors. Personnel are employees of the bus contractor and not the Board; therefore, these procedures do not confer any substantive rights on bus drivers and bus assistants but only establish a uniform process for the Board to follow in determining personnel fitness and competence.

- A. The Director of Pupil Transportation will investigate alleged incidents bearing on the fitness and competence of contractors and/or personnel and recommend appropriate follow-up action to be taken.
- B. The contractor will be notified as soon as practicable of any investigation and any required action associated with the duties of the contractor personnel.
- C. Disciplinary recommendations concerning lack of fitness or competence of a bus driver or bus assistant may include, but are not limited to, one or more of the following actions:
1. Written notification to bus driver or bus assistant and the contractor
 2. Written reprimand

3. Temporary removal of approval of bus driver or bus assistant
 4. Permanent removal of approval of bus driver or bus assistant.
- D. When any temporary or permanent removal of approval is made by the Director of Pupil Transportation, the bus driver or assistant and the respective contractor will be notified in writing.
- E. Under emergency situations, the Director of Pupil Transportation may immediately remove a bus driver or bus assistant from duty.
- F. The contractor, bus driver, or assistant has the right to appeal the Director of Pupil Transportation's action in accordance with Section IX of these procedures.

VII. Liability Insurance

- A. A statement of vehicle liability insurance coverage will be provided to each contractor by the Director of Pupil Transportation. The vehicle liability insurance will apply when vehicles are:
1. On school system business or transporting pupils to and from school or when transporting pupils 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 from 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 gasoline and/or seeking repairs between trips and/or from garage location to and from first or last stop
 6. Operating from last stop to garage location and from garage location to first stop (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 is 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 student 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. Stored or parked at the regular storage location
 10. 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.

VIII. Alcohol and Controlled Substance Use and Testing

Alcohol and Controlled Substances Use and Testing of all bus drivers will be conducted as required by the United States Department of Transportation (USDOT), Code of Maryland Regulations Title 13A of the Maryland State Board of Education (COMAR), 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 bus drivers must participate in an alcohol and controlled substances testing program. This may be accomplished through the employer's program (contractor) or by joining a consortium 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 the Pupil Transportation Office.
- E. In addition to all USDOT requirements, the contractor's policy will include the following:
 - 1. A statement requiring the company/consortium to contact the Pupil Transportation Office *simultaneously* with the contractor 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 for notifying a driver of a post-accident and 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, a driver 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 vehicle for the Howard County Public School System.
- 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.

IX. Reviews, Appeals, and Hearings

- A. Contract/contractors

1. If the bus contractor desires to review the recommendation of the Director of Pupil Transportation, the contractor will notify the Chief Operating Officer, in writing, within ten weekdays of the written recommendation.
2. Upon receipt of the contractor's request for review, the Chief Operating Officer will meet with the contractor and the contractor's representative(s), if applicable, to consider the contractor's appeal.
3. After consideration of the request for review, the Chief Operating Officer will make a recommendation if the contractor has breached the contract; and if he/she so finds, the Chief Operating Officer 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 Chief Operating Officer, the contractor will notify the Board within fifteen calendar days of receipt of the written recommendation.
5. Investigations and Reviews
 - a. If the bus contractor requests a review of the recommendation of the Chief Operating Officer 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 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 bus contractor
 - c. In cases where the Director of Pupil Transportation may demand that the driver or assistant be removed pending the appeal process, the driver or assistant may be entitled to the amount of lost wages should he/she win the appeal pursuant to the decision by the Board.

B. Contractor Personnel

1. If the bus driver or bus assistant wishes to appeal the recommendation of the Director of Pupil Transportation, the appeal must be requested in writing within 15 calendar days of the Director's action.

2. If the bus driver or assistant appeals the recommendation of the Director of Pupil Transportation, the Chief Operating Officer will hear the appeal as the Superintendent's designee. He/she will meet with the driver or assistant and/or the contractor to hear their versions of the events and will render a decision. The written decision will be sent to the driver or assistant and the contractor and will inform them of their right to request a review by the Board. The request for review of the Chief Operating Officer's recommendation must be made within 15 calendar days after receipt of the written decision noted above.

3. If the bus driver or bus assistant requests a review of the decision of the Chief Operating Officer 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 assistant.

ADOPTED: August 10, 1989
AMENDED: December 14, 2000
April 10, 2008
EFFECTIVE: July 1, 2008