

IN RE: WAIVER REQUEST  
COMAR 13A.06.07.11

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION

Order No. OR12-06

ORDER

The State Board has reviewed a request for a waiver of a State regulation governing the types of vehicles that may be used to transport school children. Chesapeake Math and IT Academy (CMIT), a charter school in Prince George's County, has contracted with JTE, Inc. to transport its students.<sup>1</sup> The vehicles that JTE, Inc. uses do not meet the requirements of COMAR 13A.06.0711(F) which states:

F. Vehicles used to transport students on regular routes shall be: (1) New; or (2) Previously registered school vehicles originally used to transport Maryland public school students.

The reason for the requirement that the vehicle either be new or previously used to transport Maryland public school students is to assure that the vehicle meets all of Maryland safety standards. The vehicles JTE, Inc. uses to transport PGCPS charter school students previously transported private school students in Washington, D.C. According to Leon Langley, Director of Transportation for the Maryland State Department of Education, the school bus safety standards in Washington, D.C. are not comparable to Maryland's.

According to PGCPS, it would be appropriate for the State Board to approve the waiver if it were assured that the JTE's Inc. buses were safe. We have researched the record for evidence that JTE, Inc.'s buses were safe. We have not found that evidence.

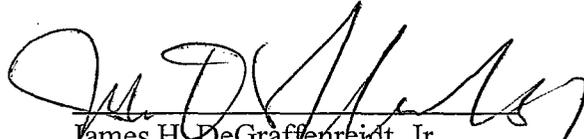
The State Board, however, even if reams of inspection records were supplied, does not have the expertise to determine school bus safety. Therefore, we deny the request for a waiver and direct PGCPS transportation personnel to provide a written assurance to the State Board by April 6, 2012 that the buses that JTE, Inc. uses to transport CMIT students meet Maryland safety standards. If the buses do not, we direct PGCPS to provide transportation to CMIT students. We emphasize here that charter schools in Maryland are part of the public school system and their students are public school students. A school system cannot turn a blind eye to safety issues, particularly involving the transportation of students.

---

<sup>1</sup> Prince George's Public School System (PGCPS) apparently does not provide transportation to its charter school students.

It is so Ordered this 27<sup>th</sup> day of March 2012.

MARYLAND STATE BOARD OF EDUCATION

  
James H. DeGraffenreidt, Jr.  
President

  
Charlene M. Dukes  
Vice President

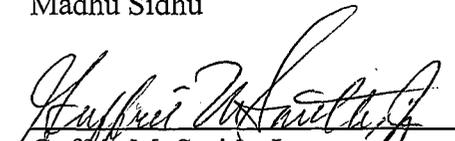
  
Mary Kay Finan

  
S. James Gates, Jr.

  
Luisa Montero-Diaz

  
Sayed M. Naved

  
Madhu Sidhu

  
Guffie M. Smith, Jr.

  
\_\_\_\_\_  
Donna Hill Staton

  
\_\_\_\_\_  
Ivan C.A. Walks

  
\_\_\_\_\_  
Kate Walsh