

Open Work Session
Letter of Support for Student Transportation Legislation
February 4, 2020

Mr. Micah Stauffer, Chief Finance and Operations Officer for Wicomico County Public Schools, and Mr. Desmond Hughes, Director of Transportation Services for Wicomico County Public Schools, came before Council. Mr. Cannon said Council has a copy of their letter to Delegate Anderton, but would like an overview of what the circumstances are, and what they would like to have from Council.

Mr. Hughes reported, for the last five years the Superintendent has requested a waiver from the State Department of Education per COMAR regulations in order for the County to transport students from remote locations inside and outside of the County, primarily for their homeless population, as well as very limited special needs students. He clarified, that waiver does not permit to and from school transportation, so they have had to be creative in getting students to and from school as best as they can. He said they met with the Public School Superintendent's Association of Maryland and attempted to go the regulatory route through the State Department of Education to get some language changed in the regulation, but that never came to fruition. He said this year they chose to go the Legislative route, and met with Delegate Anderton basically to share with him that, unfortunately, their State law has not kept up with the federal mandates that have been imposed on the educational community, particularly with the McKinney-Vento Act, as well as foster care and things like that where it compels school systems to keep a student in their school of origin when they are displaced. He reported, currently they have 378 homeless requests for the school year, and 43 of those students are actually temporarily residing in this County, but they have to take them outside of the County, such as Somerset County, Seaford School District, Indian River, Georgetown, and various other districts outside of the County, as well as transporting 39 of their students from outside of Wicomico County back into Wicomico County. He said it is not always feasible, nor is it practical all the time to use the big school bus to get these students wherever they have to go, so this proposed Legislation Delegate Anderton has in the works would allow them some flexibility in being able to provide transportation to their most vulnerable population.

Mr. Holloway said the letter states a school bus or a taxicab, but a taxicab is a car most of the time, or a minivan. He then asked what Mr. Hughes is looking for, to which Mr. Hughes responded, current COMAR says it has to be a taxicab or a school bus, so that means they cannot transport. He clarified, when they use a taxicab, the taxicab company has to be licensed through the Public Service Commission, and they do not have many taxicab companies here in the County. He said the law also requires they train those taxicab drivers, as well as monitor them. He explained, if the County has a contract with the cab company and Mr. Joe Holloway is the designated driver, they monitor to make sure that Mr. Holloway is who is showing up every day to transport the kids. He said they do not have the staff to monitor and make sure the respective person is transporting their kids. He said right now the regulation allows a school bus or a taxicab, which, to him, is just too far extreme with no gray area or middle area, whereas they can do what they have been doing with the waiver except heighten it a little bit. He explained, they currently have nine vans they purchased over the last five years, and they hire and train those individuals, and they monitor those individuals because they are the County's employees who they send out to these various locations moving the kids all around and outside the County. Mr. Holloway asked if the waiver is running out, to which Mr. Hughes responded, the waiver is not running out, but it does not allow them to go to and from a school. He explained, it allows them to pick a child up, and currently they bring the child back to their attendance area to meet a bus at a bus stop versus picking the child or family up from home, a shelter, or a hotel, and taking them directly to school. Mr. Holloway asked if they pick up whole families, to which Mr. Hughes responded, yes, they currently have

a family of nine in Laurel, Delaware who they are bringing to and from. Mr. Holloway asked if they transport the parents too, to which Mr. Hughes responded, no, just the children.

Mrs. Acle said they have other students that ride connecting buses like that, and not just the homeless population or special needs. She said there are many other programs where children have to ride connecting buses, to which Mr. Hughes responded, yes, they have existing shuttles, such as the Magnet program or the ELL program. He said they have various shuttles that bring kids to a school where they get on another bus to get to another school, but they are not currently doing that with this population of students because the law does not allow them to. He explained, they cannot bring a child from home to school because the law prohibits that, so they have to bring kids from wherever they are picking them up from and bring them to a bus stop within that attendance boundary in which they would catch a bus to school. He said what they have been doing has really been skating around the law to try to be in compliance with the law, so this Legislation would certainly clean things up for them. Mrs. Acle said she is not sure how that is different. She clarified, if a child is taking a bus to one school and getting a connector bus, how is that different from taking them to a bus stop and then getting the bus from there, to which Mr. Hughes responded, currently with their shuttle programs, such as Magnet, the child is picked up from home, taken to Bennett High School, for example, and then they get on another bus transported from Bennett to North Salisbury. He clarified, with their FIT population, the law does not allow them to pick a child up from where they lay their head at night and take them to a school because they cannot provide home-to-school or school-to-home transportation. He said they pick those children up from wherever they lay their head and bring them back to a bus stop so they can catch a bus to a school to be in compliance with the law as it is currently written. He clarified, they do not do that with their regular in-County students. Mrs. Acle asked if the in-County students go from their home to a school, and then to another school, to which Mr. Hughes responded, correct.

Mr. Davis asked why they will not let them take a van to a school, to which Mr. Hughes responded, it is an antiquated law, and the law is how it is written. He said he has been in transportation for 22 years, and that has been the law, so it is a very antiquated law, and has just not kept up with the federal mandates that have been opposed upon them.

Mrs. Acle asked if this gives an opportunity for all students, and with the Magnet program they would not have to take the connecting bus, but would just go straight from their home to the school, to which Mr. Hughes responded, as the Legislation has been proposed, it speaks to a specific group of students, homeless being one, foster care, special needs, nonplacement students, and various other things. He clarified, it is certainly not his intention to not use the yellow school bus because the yellow school bus certainly is the safest mode of transportation for their kids, so he is not trying to get away from that, he is just trying to supplement that transportation, again, to meet their most vulnerable population. Mrs. Acle said she is just thinking about the child with special needs who goes to Magnet, to which Mr. Davis responded, they ride a bus. Mr. Stauffer explained, there is already an existing route, so that existing route would go from wherever their home is to that home school that serves that attendance area, and from there they would take the shuttle to North Salisbury. He clarified, with this existing law here they are talking about students who are residing in Seaford or Indian River, or other places, and the County is responsible for their education under the McKinney-Vento Act because they are homeless, and they have to educate them here in Wicomico County.

Mr. Davis asked why Delaware does not have to bring kids to the State line with this State law, to which Mr. Hughes responded, they do. He clarified, many times they meet various school districts at the County or State line, but their only obligation is getting them to the State or County line. Mr. Holloway said Mr. Hughes stated they go to Indian River, but that is not on the State line. Mr. Hughes explained, a

child enrolled in Indian River might be staying at the Christian Shelter, so if the child lies their head in Wicomico County, they have a shared obligation to get that child back to their school of origin, which is Indian River. He said they attend their school of origin, in this case Indian River, but because they rest their head in Wicomico County, they have a shared responsibility by McKinney-Vento of getting that child to and from the Indian River School District. He clarified, again, it is a shared responsibility, and that is why they meet them in Delmar. Mr. Holloway asked if they are sending a bus or car all the way to Indian River, to which Mr. Hughes responded, no.

Mr. Davis said they are being restricted by COMAR, and part of COMAR is safety. He then asked what is being done with safety with these vans? He said school buses are inspected three times a year by State inspectors, so what about these vans, to which Mr. Hughes responded, he does not think COMAR is about safety because it also allows them to use cabs, and cabs are not school buses. Mr. Davis clarified, he is saying buses are inspected three times a year, so what about these vans, to which Mr. Hughes responded, their current vans are inspected once a year, which is more than what is required. He said, again, the waiver they currently have with the State Department of Education outlines what training a driver will have and what safety equipment will be included in their vans, much like what is on a school bus, such as a fire extinguisher, first aid kit, body fluid cleanup kit, as well as an annual inspection. He said they also do not allow the kids to ride in the front seat, all students will be buckled, and the various laws that would be required in a passenger vehicle. Mr. Davis asked if the County is being paid with this McKinney-Vento law, to which Mr. Hughes responded, no, there is no funding. Mr. Davis asked about the funding again, and questioned if they are tracking the miles of these kids, to which Mr. Hughes responded, they are tracking the miles, but there is just no funding. Mr. Davis then asked if they are not getting paid for the miles driven with these kids, to which Mr. Hughes responded, no. Mr. Davis asked how they are funding the vans, to which Mr. Hughes responded, it is out of their general fund. He explained, again, it is a federal unfunded mandate that they have to comply with. Mr. Davis asked if the State is part of this mandate, to which Mr. Hughes responded, no, it is a federal mandate.

Mr. Cannon asked, if Wicomico County told Delaware they were not able to drive to Laurel to get the students, is Delaware then obligated by State law to bring that child to Maryland? He asked, if a child was in Dorchester County, would Dorchester County be obligated to bring that child to Wicomico County? He said if Wicomico County sets up some type of bus station at the Delaware or County line, then they could be part of the regular busing program. Mr. Hughes said McKinney-Vento says it is a shared responsibility, and it only speaks to the financial part of it in that, if two school districts cannot agree, then the cost of transportation is to be split 50/50, and that is simply all it says. He said, typically, if a kid is enrolled in a Wicomico County school, they try to make it happen because their school district is the one taking the hit on attendance, and they are responsible. He clarified, every day that child is not sitting in a seat, Wicomico County is the one taking the hit on attendance.

Mr. Holloway said this is not as much about transportation as it is about enrollment. He clarified, they have kids coming from other States that are enrolled in Wicomico schools, and that is why they are bringing them in. He then asked how many kids are staying in this County and being transported to Sussex County by law, to which Mr. Hughes responded, he thinks they are transporting 43 from within this County to outside. He explained, it was kind of mindboggling one year that they were transporting so many kids to outside school districts, and a contributing factor to that is because Wicomico County has so many shelters within their County. He explained, they have HALO, the Christian Shelter, and the Life Crisis Center, so they have many more shelters within their County that the neighboring Counties do not have. He said, many times when the hotels are full in the wintertime, they send families to the

shelters here in their County. He said, again, when they rest their head in Wicomico County, it then becomes their shared responsibility to get those students back to their school of origin.

Mr. Hastings asked if he heard Mr. Hughes correctly when he said nearly 400 homeless, to which Mr. Hughes responded, 376, but some of those are duplicate requests. He clarified, if the family of a student has moved six different times, they count each time that child moves to a different location as an incident because they have to arrange transportation from a different location. He said he thinks the number Dr. Hanlin mentioned in her State of the Schools address was right around 500+ homeless students that they have in their school system currently.

Mr. Cannon said Mr. Hughes called this a shared policy, to which Mr. Hughes responded, a shared responsibility. Mr. Cannon said it sounds to him like Wicomico County is accepting the responsibility to take all the students who are here at HALO, for example, and transport them into Delaware or wherever they have to go. He said it also appears to him that Mr. Hughes is saying it is Wicomico County's responsibility to take the students from Laurel and bring them into Wicomico County, so he is not really getting a good feel here for where the responsibility is shared because it sounds like Wicomico County is sort of carrying the load on both ends, to which Mr. Hughes responded, they are, again, because they have so many shelters. He clarified, they do not take them to Seaford, they typically take them to Delmar to the State line, and Seaford sends a vehicle to Delmar and they transport them the rest of the way. Mr. Cannon asked if Laurel could bring them to Delmar and then Wicomico County could just go to Delmar? He clarified, he is not trying to rearrange their policy, and he does not want to micromanage them, but this is confusing. Mr. Davis said he thinks what Mr. Cannon wants to know is whether Wicomico County transports any kids outside of the County, or do they go outside the County to bring any kids in, to which Mr. Hughes responded, yes. Mr. Cannon said he does not know why Wicomico County could not just go to Delmar and bring them in. He said it seems like there is already a location in Delmar, to which Mr. Hughes responded, for example, if they have nine kids in Laurel, Wicomico County goes all the way to Laurel to bring them back to their County, and they then bill Laurel for their portion from the State line to Laurel back to the State line. Mr. Stauffer said it is a shared responsibility, either physically through Wicomico County meeting them halfway, or they reimburse the County.

Mr. Holloway said the big misunderstanding is for years somebody stood at the podium here in Council Chambers saying they had to bring kids from Indian River, Laurel, Seaford, or Cambridge into this County, and they have to provide transportation, and that is what Council has been hearing. He said he thinks some of the Councilmembers will agree with him on that, but it has never been explained that there is a shared cost, or that there is shared transport, or that some of them are being brought to Delmar and picked up. He said he does not know about the rest of the Councilmembers, but he was always under the assumption that they were sending a van to Seaford or Indian River, to which Mr. Stauffer responded, in some cases they are, but they are getting reimbursed. Mr. Holloway said that is something he has never heard before, and when it was explained why the school system costs so much over the years, that is one of the reasons they have been told, so they have never heard the full story, but tonight they are hearing more of the story, and he hopes they are hearing the full story.

Mr. Cannon thanked Mr. Hughes for sharing this explanation with Council because this is new territory for them, and they asked him to explain a lot about the policy, and he was very gracious to do that.

Mr. Stauffer said, to Mr. Holloway's point briefly, he thinks part of what Council is hearing is the fact that Wicomico, probably compared to anywhere else on the Shore, has the bulk of the responsibility because of the number of families in transition in Wicomico County. He said whether a student is a homeless student on the eastern side of the County, the western side of the County, or at one of the shelters here in Salisbury, depending on wherever their school of origin is, which might be in Cambridge

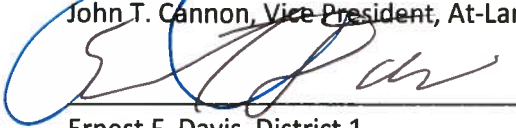
or Seaford, at one point or another, all of those transports are going where bus routes normally are not existing. He said they have to get them to all of these different places, and he thinks that is the concern here, but that is what the Legislation is about. He said, just like how complex the conversation was the last 15 minutes, hopefully this Legislation will help with some of that so they at least do not have to get a waiver from the State Superintendent each and every year to try and make these things happen.

Mr. McCain said he appreciates their explanation because it is helpful, and he is good with this letter. Mr. Cannon asked for a consensus; he then said four are in agreement. He then asked if Council is being asked to write a letter similar to the one they have, to which Mrs. Hurley responded, the request came from Delegate Carl Anderton, so he is asking Council to send the letter of support to him directly.

Mr. Holloway said this has been interesting because he has always heard kind of a different story on that, to which Mr. Hastings responded, it is kind of sad, too. He clarified, people always say the stock market is at 29,000 and they are killing it and doing great, but they have 500 students in Wicomico County who are homeless. Mr. Cannon said a lot of the homeless are actually living with grandparents, so sometimes it is misleading. Mr. Davis said it is very misleading, and Mrs. Acle added, it is an inflated number. There was no further discussion.

absent
Larry W. Dodd, President, District 3


John T. Cannon, Vice President, At-Large


Ernest F. Davis, District 1


Nicole Acle, District 2


Josh Hastings, District 4


Joe Holloway, District 5

William R. McCain, At-Large


Laura Hurley, Council Administrator