

MADALENO WITHDRAWS BUS FEE BILL

Bill would not give Board of Education power to institute fees.

By Taylor Kate Brown | Email the author | December 2, 2010

Senator Rich Madaleno will withdraw bill MC 10-11, originally scheduled to go before a public hearing on Dec. 6th because it would not give the Board of Education the legal authority to institute fees on any transportation.

Chief Aide Adam Fogel said that the Senator was withdrawing the bill on advice from the State Attorney General's office.

Madaleno sponsored the bill after the Board of Education voted 7 to 1 to give the go-ahead on the bill. Current state law on public school transportation forbids Montgomery County specifically from charging fees for any bus transportation. MC 10-11 would have deleted that paragraph from law.

Fogel noted that the Attorney General's office said the state assembly would have to give a local government, "whether its a board of education or a county council," express authority to charge fees.

That leaves the current law, "basically redundant" Fogel said.

"I hoped to forestall any potential cuts to bus service for optional programs," Senator Madeleno said in a statement about the bill. "I also hoped to provide greater flexibility to the Board in balancing their budget in the upcoming year and to provide them with the authority they should have to make these sorts of administrative decisions. "

MC 10-11, he said, was "not sufficient" to accomplish those goals.

Laura Berthiaume, from District 2 was the single vote against the legislation on the Board of Education.

"I believed the imposition of a fee for transportation to and from a child's home to any school location at which the child receives any instruction in any MCPS curriculum, whether a home school or a magnet school, would violate the Maryland Constitution's guarantee of a free and thorough public education," Berthiaume said by email.

While the bill was not withdrawn on those questions, Fogel did say that Madaleno's staff did understand there were questions about the constitutionality of giving a Board of Education the ability to enact such a fee.

"We're taking another look at this," he said.