

## 20-A MRSA §5401. TRANSPORTATION

The transportation of public school students shall be governed as follows.

**1. Municipal school units.** The superintendent of schools in a municipal school unit shall, with the approval of the school board, provide transportation for elementary school students and public preschool students a part of or the whole distance to and from the nearest suitable elementary school. The municipality may provide transportation for secondary level students.

**2. School administrative district.** The superintendent of schools in a school administrative district shall, with the approval of the school board, provide transportation for:

A. Elementary school students and public preschool students a part of or the whole distance to and from the nearest suitable school; and

B. Secondary school students a part of or the whole distance to the district's secondary school or to and from the secondary school in the school administrative unit or units with which the district has contracted for secondary school privileges. The school board may provide transportation for secondary school students attending other secondary schools.

**3. Community school district.** The community school district school committee shall either:

A. Instruct the superintendent of schools to provide transportation for elementary and secondary school students and public preschool students all or a part of the way to and from the nearest suitable school; or

B. Provide transportation in accordance with a written agreement with the member school administrative units.

**3-A. Waiver for transportation of public preschool students.** The commissioner shall waive the requirement for school administrative units to provide transportation for public preschool students.

**4. Special education students.** Special education students shall be provided transportation:

A. As provided by chapter 301; or

B. To and from classes.

**5. Secondary school students residing on islands.** A school administrative unit shall pay transportation charges over regular transportation lines for secondary school students who reside on islands if those islands are:

A. Within the school administrative unit;

B. Without a secondary school; and

C. Served by regular transportation lines.

The charges shall not exceed regular fares. The transportation line and the school board may by agreement establish school fares for these students at less than the regular fare.

**6. Temporary residents and residents on state-owned property.** The commissioner shall reimburse a school administrative unit for approved transportation of students who reside on state-owned property located in towns of less than 100 residents or who are temporary residents, if those students reside more than 2 miles from the school.

A. A superintendent, with the approval of the school board, shall report these students to the commissioner. The report shall include any other information the commissioner requires.

B. The commissioner may direct the unit to provide transportation or board if transportation is deemed inadvisable.

C. On receiving a bill of expenses for transportation or board from a school administrative unit, the commissioner shall, in December, reimburse it for those expenses from the department appropriation for that purpose.

**7. Remote location.** If a student resides in a location remote from and inaccessible to schools or public highways, the student's parents shall be responsible for providing transportation to a public highway or paying board for the student within walking distance of a school. Failure of the parent to provide transportation or board shall be considered a violation of the truancy law.

[ 1981, c. 693, §§5, 8 (NEW) .]

**8. Adult education.** A school administrative unit may provide transportation for adults to and from adult education programs as authorized under section 8611.

**9. Career and technical education.** The following provisions apply to transportation for career and technical education.

A. The sending school administrative unit shall provide transportation for its students to and from a career and technical education center or career and technical education satellite program.

B. The cooperative board shall provide for the transportation of students to and from career and technical education programs operated by career and technical education regions, centers or satellites.

(1) Transportation may not be provided outside the career and technical education region, unless approved by the commissioner.

(2) State aid for transportation must be computed and paid to the administrative units of the region in the same proportion that the administrative unit contributes to the career and technical educational budget of the region.

**10. Duration.** Transportation shall be provided for the number of weeks that the school is open for instruction.

**11. Minimum distances.** A school board may establish the distance from a school that students must reside to receive transportation.

**12. Safety.** Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

**13. Contract.** A superintendent may contract for transportation.

A. A contract may not exceed a period of 5 years, except that the commissioner may authorize a one-year extension of a 5-year contract when such an extension would be beneficial to a school administrative unit.

B. Authorization by the unit's governing body shall be required for contracts existing beyond one year.

C. In a school administrative district, the superintendent shall execute the contract with the approval of the board of directors.

D. The contract shall be submitted for bid in conformity with the procedures outlined in section 5402.

**14. Cost of service and equipment.** Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students.

**15. New bus purchases.** School bus purchases, contracts or leases shall be subject to approval by the commissioner.

A. The commissioner may not approve, in one year, more than \$5,000,000 in expenditures for school bus purchases, excluding bus purchases made in accordance with paragraph C of this subsection. Annually, the Legislature shall review this limitation.

B. The commissioner shall encourage school administrative units, whenever possible, to purchase school buses from current funds rather than from short-term loans.

C. A school board may obtain a short-term loan or enter into a lease-purchase agreement to acquire school buses if the loan is approved by the unit's legislative body or if funds that can be used for the initial lease-purchase payment have been appropriated by the unit's legislative body. The term of a loan or a lease-purchase agreement may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning in fiscal year 2005-06, these expenditures must be subsidized in accordance with chapter 606-B.

D. Expenditures approved for school bus purchases may not be included in expenditure limitations placed on school administrative units under this Title.

**16. Unorganized territory.** Payment of transportation or board costs of eligible students from the unorganized territory shall be made in accordance with chapter 119.

**17. Rules; federal or state requirements for public preschool transportation.** The department may adopt rules to implement the provisions of this section. Should the Federal Government or the State require transportation of public preschool children, the department shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.