

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1369

H.P. 883

House of Representatives, March 28, 2023

**An Act to Amend the Essential Programs and Services Funding
Formula to Include All Costs for the Transportation of Students**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SOBOLESKI of Phillips.
Cosponsored by Senator LYFORD of Penobscot and
Representatives: ANDREWS of Paris, BRADSTREET of Vassalboro, CAMPBELL of
Orrington, DRINKWATER of Milford, LANDRY of Farmington, SMITH of Palermo,
STROUT of Harrington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §5401, sub-§1**, as amended by PL 2007, c. 572, Pt. A, §2, is
3 further amended to read:

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

10 **Sec. 2. 20-A MRSA §5401, sub-§18** is enacted to read:

11 **18. Cocurricular and extracurricular costs.** Transportation shall be provided to and
12 from cocurricular and extracurricular activities.

13 **Sec. 3. 20-A MRSA §15672, sub-§22-A**, as repealed and replaced by PL 2005, c.
14 519, Pt. AAAA, §4, is amended by amending the first blocked paragraph to read:

15 Approved adjustments include a per-mile rate equal to the state average gross
16 transportation operating costs per mile driven for transportation associated with out-of-
17 district special education programs, up to 2 round trips per day to each facility for
18 transportation associated with career and technical education programs, transportation for
19 cocurricular and extracurricular activities and adjustments for expenditures for ferry
20 services within a school administrative unit, transportation of homeless children in
21 accordance with section 5205 and transportation costs of island school administrative units.

22 **Sec. 4. 20-A MRSA §15681-A, sub-§3**, as repealed and replaced by PL 2005, c.
23 519, Pt. AAAA, §8, is amended to read:

24 **3. Transportation costs.** ~~For fiscal year 2006-07, the commissioner, using~~
25 ~~information provided by a statewide education policy research institute, shall establish for~~
26 ~~each school administrative unit a predicted per-pupil transportation cost as defined in~~
27 ~~section 15672, subsection 22-A. The established predicted per-pupil transportation cost~~
28 ~~multiplied by the number of the school administrative unit's resident students for each~~
29 ~~school administrative unit must be no less than 90% of the most recent year's reported net~~
30 ~~transportation expenditures. Beginning in From fiscal year 2007-08, and for each~~
31 ~~subsequent fiscal year through fiscal year 2023-24, the per-pupil transportation costs for~~
32 ~~each school administrative unit are its predicted per-pupil transportation cost for the most~~
33 ~~recent year adjusted by the Consumer Price Index or other comparable index, except that~~
34 ~~the established predicted per-pupil transportation cost multiplied by the number of the~~
35 ~~school administrative unit's resident students for each school administrative unit must be~~
36 ~~no less than 90% of the most recent year's reported net transportation expenditures. The~~
37 ~~commissioner shall develop an appeals procedure for established per-pupil transportation~~
38 ~~costs for school administrative units;~~

39 **Sec. 5. 20-A MRSA §15689, sub-§17** is enacted to read:

40 **17. Transportation costs.** Beginning in fiscal year 2024-25, and for each subsequent
41 fiscal year, each school administrative unit must be guaranteed and the State shall pay, in
42 addition to the state share of the total allocation, 100% of the per-pupil transportation costs
43 for each school administrative unit, which must be its predicted per-pupil transportation

1 cost for the most recent year adjusted by the Consumer Price Index or other comparable
2 index, except that the established predicted per-pupil transportation cost multiplied by the
3 number of the school administrative unit's resident students for each school administrative
4 unit may not be less than 100% of the most recent year's reported net transportation
5 expenditures. The commissioner shall develop an appeals procedure for established per-
6 pupil transportation costs for school administrative units.

7

SUMMARY

8 This bill provides that, beginning in fiscal year 2024-25, transportation costs for public
9 school students will no longer be paid as other subsidizable costs and that instead each
10 school administrative unit must be guaranteed and the State is required to pay, in addition
11 to the state share of the total allocation, 100% of the per-pupil transportation costs for each
12 school administrative unit. The bill also provides that per-pupil transportation costs include
13 transportation costs for cocurricular and extracurricular activities and requires municipal
14 school units to provide transportation to secondary school students.