

05 DEPARTMENT OF EDUCATION

071 COMMISSIONER OF EDUCATION

Chapter 85: SCHOOL BUS PURCHASE PROGRAM

Summary: These regulations establish procedures for school administrative units (SAUs) to request purchase of new school buses and receive subsidy through the Maine School Bus Purchase Program.

This program provides subsidy to SAUs in order to offset partial cost of new school buses that are used to transport students to and from home and school and school events. This program is a resource to help SAUs purchase new school buses, retire end of life school buses, and respond to emergency and special bus needs.

SECTION 1. PURPOSE

1. The purpose of this rule is to achieve the most equitable distribution of limited dollars to maintain a modern safe fleet of school buses and respond to emergency and special bus needs.

SECTION 2. DEFINITIONS

1. School bus is defined by 29-A M.R.S. §2301(5).

SECTION 3. MINIMUM PROGRAM QUALIFICATIONS FOR SAUS TO APPLY FOR THE SCHOOL BUS PURCHASE PROGRAM

1. School buses owned by SAUs shall be qualified for and complete the School Bus Refurbishment Program before being qualified for the School Bus Purchase Program. If a school bus fails the minimum field joint visual inspection qualification for the School Bus Refurbishment Program, the bus may qualify for the School Bus Purchase Program.
2. The minimum qualifications to apply for a school bus replacement are:
 - A. Passenger vans shall have a minimum of seven (7) years useful life and accumulated 100,000 miles. End of life passenger vans shall be replaced by Type A or Type C school bus.
 - B. Type A school buses shall have a minimum of ten (10) years useful life and accumulated 125,000 miles. Type A school buses shall be replaced by Type A, Type C, or Type D school bus.
 - C. Type C (conventional) school buses shall have a minimum of ten (10) years useful life and accumulated 125,000 miles. Type C school buses shall be replaced by Type A, Type C, or Type D school bus.

- D. Type D (transit style) school buses shall have a minimum of fourteen (14) years useful life and accumulated 245,000 miles. Type D school buses shall be replaced by Type A, Type C, or Type D school bus.
 - E. SAUs that purchase Type D buses through the School Bus Purchase Program must:
 - (1) Provide a school bus preventative maintenance program,
 - (2) Employ or contract with school bus mechanics,
 - (3) Be capable of stocking school bus parts, and
 - (4) Use the fleet maintenance module of the state issued School Transportation Operations Program software.
 - F. The existing end of life bus shall be decommissioned and removed from fleet service within one year of the SAU taking possession of the new approved school bus. If a SAU does not retire the existing end of life bus during the one year time period, subsidy for the approved bus purchase will be cancelled.
3. The minimum qualification to apply for an addition to fleet school bus is when a SAU has one of the following needs:
- A. Buses equipped with a wheelchair lift,
 - B. Buses to accommodate increased enrollment,
 - C. Buses to transport persons with disabilities,
 - D. Buses to replace contracted services (emergency), or
 - E. Buses to replace contracted services (planned).
4. SAUs shall have a planned school bus maintenance schedule that is updated annually in order to qualify for the School Bus Purchase Program.
- A. High cost school bus maintenance need is not a criterion for buses being retired in the School Bus Purchase Program. SAUs are responsible for school bus maintenance.

SECTION 4. TYPES OF PROGRAM APPLICATIONS

1. School bus replacement

- A. A school bus replacement standard application may be submitted when an existing bus is at or near the end of useful life. Refer to the minimum addition to fleet program qualifications.

- B. A school bus replacement emergency application may be submitted when a school bus is damaged beyond economic repair due to accident, fire, vandalism or other sudden total loss.
- C. School bus replacement standard applications require the SAU to decommission and remove end of useful life school buses from fleet service within one year of the SAU taking possession of new approved school buses.

2. **School bus addition to fleet**

- A. An addition to fleet application may be submitted in response to an emergency or special bus need situation. Refer to the minimum program qualifications.
- B. When a SAU receives an addition to fleet bus approval, a new bus may be added to the district fleet without requiring the SAU to remove an existing bus from their fleet.

SECTION 5. MINIMUM PROCEDURES FOR SAUS TO PARTICIPATE IN THE SCHOOL BUS PURCHASE PROGRAM

1. **SAUs Application**

- A. SAUs that choose to apply to the School Bus Purchase Program shall submit applications to the Department between November 1st and November 25th. The application dates will not be extended. SAU applications for new school bus purchases occur annually.
- B. SAUs shall submit bus request applications online using the Department's data system transportation module.
- C. SAUs may submit school bus replacement applications, addition to fleet applications, or both types of applications during each annual program cycle.
- D. SAUs may submit school bus addition to fleet applications in response to an emergency or special bus need situation.

2. **State Approval Requirement for the School Bus Purchase Program**

- A. SAUs shall obtain approval from the Department in order to purchase school buses through the School Bus Purchase Program.
- B. **State Bus Approval Announcements**
 - (1) Department approval for school bus purchases shall be announced annually by the Department.

C. School Bus Approval Decision Priority

- (1) First priority is school bus replacement emergency situations.
 - (a) A school bus replacement emergency situation occurs when a bus is damaged beyond economic repair due to accidents, fire, vandalism, or other sudden total loss.
- (2) Second priority is school bus addition to fleet need.
 - (a) A school bus addition to fleet situation occurs when a SAU has a need for one of the following:
 - (i) buses equipped with a wheelchair lift,
 - (ii) buses to accommodate increased enrollment,
 - (iii) buses to transport persons with disabilities,
 - (iv) buses to replace contracted services (emergency), or
 - (v) buses to replace contracted services (planned).
- (3) Third priority is school bus replacement standard need.
 - (a) A school bus replacement standard situation occurs when a bus is near the end of useful life. Age of the bus being replaced shall be the first consideration, tempered by both high and low mileage.

3. SAU Bus Purchase Authorization, Cancellation, and Possession

A. Superintendent Authorization to Purchase

- (1) Superintendents shall confirm the SAU's intent to purchase a bus that was approved by submitting a Superintendent Intent to Purchase Bus Report in the Department data system.
- (2) If the Superintendent fails to submit a Superintendent Intent to Purchase Bus Report by the date identified by the Department, the bus approval will be withdrawn by the State on a date determined by the Department.

B. SAU Bus Approval Cancellations

- (1) SAUs shall cancel their school bus approval if they do not plan to make an approved school bus purchase during the assigned purchase fiscal year of the school bus approval. Cancellations are submitted in the Department data system.
 - (a) Cancellations shall occur during the fiscal year the SAU is approved to purchase a bus.

- (b) If a SAU does not purchase an approved bus or does not submit the cancellation report the SAU school bus purchase approval may be withdrawn by the State on a date determined by the Department.

4. SAU School Bus Possession

- A. SAUs shall take possession of a new approved school bus during the purchase fiscal year of the state bus approval.
- B. When a SAU takes possession of a new school bus, the SAU shall report the purchase of a new bus during the business quarter that the SAU receives the new bus. Reports are submitted in the Department data system.
- C. When a SAU takes possession of a new bus that was approved under this program, the SAU shall decommission or sell the school bus that was approved to retire within one year of receiving the new bus.

5. New School Bus Payments

- A. The Commissioner encourages SAUs to purchase school buses from current funds and make one year cash payments.
- B. The maximum term of a school bus purchase loan or lease shall be five years.
- C. SAUs shall make at least one bus payment and take possession of the new bus during the fiscal year of the State bus approval.

6. State Subsidy for Approved Bus Purchases

- A. The Commissioner shall determine the maximum allowable subsidy for state approved school bus purchases. The lowest acceptable state school bus bid that meets school bus bid specifications for product and warranty service shall be used to determine the maximum state school bus subsidy.
- B. The SAU shall provide the department with documents that confirm delivery of and payment for each state approved school bus purchase.
- C. SAUs shall submit all annual year-end transportation reports and applicable School Bus Purchase Program reports to the Department by the annual due dates in order to receive state school bus subsidy. If SAU transportation reports are late, school bus subsidy may be withheld until all transportation reports are submitted.

SECTION 6. RECORDS RETENTION

- 1. SAUs shall maintain current and complete copies of all school bus purchase documents for each vehicle and present these documents to the Department for review, upon request, along with a statement of compliance.

STATUTORY AUTHORITY: 29-A M.R.S. §2311 and 20-A M.R.S. §5401(17)

EFFECTIVE DATE:

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