

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XII** EDUCATION

**Chapter 71** PUBLIC SCHOOLS

**Section 7A** TRANSPORTATION OF PUPILS; PAYMENT OF COSTS;  
LIMITATIONS

Section 7A. The state treasurer shall annually, on or before November twentieth, pay to the several towns subject to appropriation, the sums required as reimbursement for expenses approved by the commissioner of education, incurred by any town for the transportation of pupils not more than twice daily between any school within the town, or in another town, and the pupil's home, a child care center licensed or approved by the department of early education and care, or a child care facility which is part of a public school system or a private, organized educational system, in accordance with standards approved by the school committee, in excess of five dollars per annum per pupil in the net average membership of such town; provided, however, that (a) no reimbursement for transporting a pupil between school and home shall be made on account of any pupil who resides less than one and one-half miles from the school which he attends, measured by a commonly traveled route; (b) no reimbursement for transporting a pupil between school and a child care center licensed or approved by the department

of early education and care, or a child care facility which is part of a public school system or a private, organized educational system, shall be made if the distance between the school and said facility is less than one and one-half miles, measured by a commonly traveled route, nor for transportation to a day care facility located outside the boundaries of the school district; (c) the amount of grant, per pupil, for transportation to private schools in towns which furnish such transportation, shall not exceed the amount of grant per pupil for transportation to public schools; (d) no contract shall be awarded except upon the basis of prevailing wage rates, as hereinafter provided, and of competitive sealed bids pursuant to chapter thirty B; and (e) no reimbursement for transporting a pupil between school and home shall be made to a school system which does not certify to the department of education in a manner prescribed by the department that the average number of students transported over a period of an academic year does not equal or exceed seventy-five percent of the carrying capacity of the bus or other transportation system used by said school system; provided, however, that this section shall not apply to any school district which is, or has been, subject to the provisions of a court-ordered busing program. Nothing in this paragraph shall be construed to mean that, with the consent of a pupil's parent or guardian, a school committee is in any way prohibited from providing transportation for a pupil to any location. No expense incurred by a town for the transportation of pupils shall be approved by the commissioner for the purpose of such reimbursement, if it appears to him, after diligent inquiry, that such expense has been incurred for transportation for which reimbursement is not authorized hereunder or has been incurred

pursuant to any contract awarded in violation of any provision of this section or of section four of chapter forty. The department shall advise and assist the school committees of the several towns relative to the transportation of pupils at the lowest cost commensurate with their safety, including the planning of routes and the selection and use of equipment.

Prior to awarding a contract, the school committee in a city or in a town having a population of sixteen thousand or over shall request the commissioner of labor and industries to determine the rate of wages to be paid to each person to be employed by the bidder under said contract, and shall forward to the commissioner a list of jobs to be performed under the contract. The commissioner shall proceed forthwith to determine the same, and shall furnish said school committee with a schedule of such rate or rates of wages. The determined rate per hour of said wages to be paid to each person employed by the bidder in cities and towns outside of the Massachusetts Bay Transportation Authority shall not be less than those established by collective bargaining agreements or understandings between organized labor and employers in such city or town for operators of motor buses; provided, however, that collective bargaining agreements or understandings pertaining to services to be provided under contract with any regional transit authority shall not be included in said determination; and provided, further, that in cities or towns where such rate or rates have been so established, the wages determined shall not be less than the wages for that type of employment by such bidders. The determined rate per hour of said wages to be paid to each person employed by the bidder in cities and

towns within said authority shall not be less than the mean average of those wages established by collective agreements or understandings, relative to the transportation of pupils, between organized labor and employers in the commonwealth for operators of motor buses used solely for the transportation of pupils; provided, that in cities or towns where such rates have been so established, the wages determined shall not be less than the wages paid for that type of employment by such bidders.

Whoever pays or agrees to pay less than said rate or rates of wages to any person performing work within the schedule and whoever, for himself, or as representative, agent or officer of another person, accepts as a rebate, refund or gratuity, or in any other guise, any part or portion of the wages paid to any such person for work done or service rendered under said contract, shall be punished by a fine of not less than one hundred nor more than five hundred dollars. Whoever is convicted of a second violation of this paragraph shall be prohibited from contracting, directly or indirectly, with any city or town for a period of two years from the date of such conviction.

In advertising for or inviting bids, said school committee shall incorporate said schedule in the advertisement or invitation by an appropriate reference thereto, and shall furnish a copy of said schedule, without cost, to any person requesting the same. Said schedule shall be made a part of the contract, and shall continue to be the minimum rate or rates of wages during the life of the contract. The bidder shall cause a copy of said schedule to be kept posted in a conspicuous place during the life of the contract.

No town shall be reimbursed for its transportation expense, in any year, an amount less than the amount of reimbursement for such expense received in the year nineteen hundred and forty-six.

