

SENATE BILL NO. 2389

Introduced by

Senators Flakoll, Grindberg, J. Lee, Lyson

Representatives Hawken, D. Johnson

1 A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota
2 Century Code, relating to transportation aid payments to school districts; to amend and reenact
3 sections 15.1-29-01, 15.1-30-01, 15.1-30-04, 15.1-30-15, and 15.1-32-16 of the North Dakota
4 Century Code, relating to reimbursement for transportation services provided by school
5 districts; and to repeal sections 15.1-27-26, 15.1-27-27, 15.1-27-28, 15.1-27-29, 15.1-27-30,
6 and 15.1-27-31 of the North Dakota Century Code, relating to the school district transportation
7 funding formula.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 **SECTION 1.** A new section to chapter 15.1-27 of the North Dakota Century Code is
10 created and enacted as follows:

11 School district transportation - State reimbursement.

- 12 1. In order to be eligible to receive transportation aid payments, a school district shall:
13 a. Determine the number of students for whom the district will provide
14 transportation during the school year;
15 b. Determine to the closest one-tenth of a mile [.161 kilometers] the distance
16 from the home of each student identified in subdivision a to the school in
17 which the student is enrolled, using the most convenient route of public travel;
18 c. Using the process provided for in subsection 2, determine the total one-way
19 mileage for all students to be transported; and
20 d. Submit the total one-way mileage to the superintendent of public instruction
21 on or before October first of each year.
- 22 2. In order to determine the transportation aid payments to which a school district is
23 entitled during each year of the biennium, the superintendent of public instruction
24 shall:

- a. Add the total mileage submitted by each school district under subdivision d of subsection 1 to determine the total state mileage.
 - b. Divide the total appropriation for state transportation aid to school districts for the applicable year of the biennium by the total state mileage determined under subdivision a to arrive at a per student transportation amount.
 - c. Forward to each eligible school district transporting students the per student transportation amount multiplied by the number of students the district has determined will be transported during the school year.
3. The superintendent of public instruction shall forward payments due under this section in the same manner and at the same time as other payments are made from the state to school districts, except that the first payment from the state must be made in November of each year.
 4. If a school district fails to submit the total one-way mileage to the superintendent of public instruction on or before October first as required by subsection 1, the superintendent shall deem the district ineligible to receive transportation payments during that school year.

SECTION 2. AMENDMENT. Section 15.1-29-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-01. Education of students in bordering states - Payment of tuition.

1. Students may attend a school in a bordering state in accordance with section 15.1-29-02 under the following circumstances:
 - a. A student who lives within forty miles [64.37 kilometers] of another state or in a county bordering on another state may, with the approval of the school board, attend a public school in a bordering state.
 - b. A student who has attended a school district in a bordering state since, and including, the 1990-91 school year must be permitted to continue attending school in the district in the bordering state.
 - c. A student whose sibling attended an out-of-state school during or before the 1990-91 school year must be permitted to attend school in the district the sibling attended in the bordering state.

2. If the school board of the district in which the student resides denies a request for a student's attendance in and payment of tuition to another state, the student's parent may appeal the decision to the three-member committee referenced in section 15.1-29-06.
 - a. If the three-member committee determines that the student meets the terms of subdivision b or c of subsection 1, the student may attend school in the bordering state and the board of the student's school district of residence shall pay the tuition.
 - b. If the three-member committee determines the student falls within the terms of subdivision a of subsection 1, then the three-member committee shall make its decision using the criteria specified in section 15.1-29-06.
 - c. Notwithstanding the provisions of this section, if a student's school district of residence does not provide for the education of kindergarten students, the district may not pay tuition for a kindergarten student to attend school in a bordering state.
 - d. Any decision by the three-member committee regarding the payment of tuition for high school, elementary, or kindergarten students may be appealed by the school board or by the student's parent to the state board of public school education. A decision by the state board is final.
3.
 - a. The superintendent of public instruction shall forward all per student and transportation aid payments for a student attending an out-of-state school to the student's school district of residence.
 - b. The student's district of residence may reduce any tuition payment it must make to an out-of-state school by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the out-of-state district enrolled in its school.
 - c. Transportation payments for a student attending school in a bordering state must be determined as provided in section ~~15.1-27-27~~ 1 of this Act.
4. Nothing in this section requires that a school district of residence provide student transportation or payments in lieu of transportation for students attending out-of-state schools.

1 **SECTION 3. AMENDMENT.** Section 15.1-30-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-30-01. Transportation or meals and lodging - Options of school board.**

- 4 1. The board of a school district may:
- 5 a. Provide for the transportation of a student to and from school; or
- 6 b. If acceptable to the student's parent, reimburse the parent for expenses
- 7 incurred in providing meals and lodging to the student outside the student's
- 8 home, ~~provided that the reimbursement may not exceed the amount permitted~~
- 9 ~~under subsection 4 of section 15.1-27-27.~~
- 10 2. A parent receiving payments under section 15.1-30-02 is not eligible to receive
- 11 payments under this section.
- 12 3. If the board elects to provide for the transportation of students by public transit, the
- 13 board shall establish eligibility criteria based on a minimum distance between a
- 14 student's residence and the school. Except as otherwise provided by law, the
- 15 board shall apply the criteria equally to all students in the district.
- 16 4. Benefits under this section are available even if a student is transported to another
- 17 school district in or outside this state, provided the student's attendance meets all
- 18 other conditions established by law.

19 **SECTION 4. AMENDMENT.** Section 15.1-30-04 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-30-04. Provision of meals and lodging for high school students - Payment**
22 **permitted - Levy.** Instead of providing transportation so that an eligible high school student
23 residing in the district can attend school in another district, a school board may pay a
24 reasonable allowance to the student's parent for costs incurred in the provision of meals and
25 lodging for the student at a location other than the student's residence. A school district that
26 furnishes either transportation or an allowance for the provision of meals and lodging for a
27 student under this section may levy a tax pursuant to subdivision a of subsection 1 of section
28 57-15-14.2 for this purpose. A district may not count a student receiving an allowance for
29 meals and lodging under this section as a student to whom transportation is provided for
30 purposes of section 1 of this Act.

1 **SECTION 5. AMENDMENT.** Section 15.1-30-15 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-30-15. Transportation services to nonpublic students - Joint provision of**
4 **transportation services.**

5 1. If the board of a school district provides transportation services to its students, the
6 board may provide transportation services to students attending nonpublic schools,
7 provided:

- 8 a. The nonpublic school students are transported only along the bus route
9 established for the public school students;
10 b. The nonpublic school students are transported only on the days and at the
11 times that the public school students are transported; and
12 c. The legal passenger capacity of each bus is not exceeded by the
13 transportation of nonpublic school students.

14 2. a. The board of a school district that provides transportation to its students may
15 contract with other local, state, or federal government entities for the joint
16 provision and integration of transportation services to the public.

17 b. A contract under this section must provide for the observation of all safety
18 requirements otherwise imposed by law on schoolbuses, on school vehicles,
19 and on schoolbus drivers when students are being transported.

20 c. Transportation services to students provided pursuant to this subsection
21 qualify for state transportation aid under chapter 15.1-27. ~~However, no~~
22 ~~payments may be made from state funds for any costs incurred as a result of~~
23 ~~a deviation from established schoolbus routes necessitated by a contract~~
24 ~~pursuant to this subsection.~~

25 **SECTION 6. AMENDMENT.** Section 15.1-32-16 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-32-16. Transportation services - State reimbursement.** If a student's
28 individualized education program or services plan requires the provision of transportation
29 services, the student's school district of residence shall provide the services by any reasonably
30 prudent means, including a regularly scheduled schoolbus, public transit, commercial
31 transportation, chartered or other contracted transportation, and transportation provided by the

1 student's parent or other responsible party. ~~The school district is entitled to state~~
2 ~~reimbursement for the provision of transportation services to the student. If transportation is~~
3 ~~provided by a student's parent, the superintendent may reimburse the school district only for~~
4 ~~mileage costs.~~

5 **SECTION 7. REPEAL.** Sections 15.1-27-26, 15.1-27-27, 15.1-27-28, 15.1-27-29,
6 15.1-27-30, and 15.1-27-31 of the North Dakota Century Code are repealed.