

**HOUSE BILL NO. 1166  
with Senate Amendments**

Fifty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1166**

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to amend and reenact sections 15.1-07-16, 15.1-09-46, 15.1-27-20, and  
2 15.1-27-29 of the North Dakota Century Code, relating to reports made to the county  
3 superintendent of schools and the superintendent of public instruction.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 15.1-07-16 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-07-16. New district - Enumeration.** The board of a school district organized  
8 after the annual enumeration has been taken shall proceed immediately to take the  
9 enumeration, as provided by law, and after receipt of the enumeration by the superintendent of  
10 public instruction ~~through the county superintendent of schools~~, the newly organized district  
11 shall receive its share of apportioned funds.

12 **SECTION 2. AMENDMENT.** Section 15.1-09-46 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15.1-09-46. School district census.** The board of a school district shall conduct a  
15 census during the month of May in each odd-numbered year. The census must enumerate all  
16 district residents under age eighteen as of August thirty-first and include their names and the  
17 names and addresses of their parents. The board shall approve the census and forward a  
18 copy, in the form and manner prescribed by the superintendent of public instruction, of the  
19 approved census to the ~~county~~ superintendent of public instruction prior to ~~July fifteenth~~ June  
20 thirtieth of the year in which the census is taken. ~~The county superintendent shall submit a~~  
21 ~~summary of the census to the superintendent of public instruction.~~

22 **SECTION 3. AMENDMENT.** Section 15.1-27-20 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **15.1-27-20. Per student payments - Claim by school district - Appeal.**

- 1           1.    Upon the completion of student registration and in no event later than September  
2               tenth of each year, the business manager of a school district claiming payments  
3               from state funds under the provisions of this chapter shall file a claim in the form  
4               and manner prescribed by the superintendent of public instruction. The business  
5               manager must provide the number of registered high school and elementary  
6               school students for whom payments are claimed and any other information  
7               requested by the superintendent of public instruction.
- 8           2.    The superintendent of public instruction shall compute the per student payments  
9               on the basis of the previous year's average daily membership less the number of  
10              students attending school during the current school year in another district under  
11              the provisions of open enrollment or the current year's fall enrollment, whichever  
12              provides the greater total payment. The superintendent shall make adjustments in  
13              the subsequent year according to a comparison between the average daily  
14              membership for the year for which the adjusted payment is being made and the  
15              year preceding the year for which the adjusted payment is being made, whichever  
16              is greater, for grade levels that existed in both years. The greater of the two  
17              preceding years' average daily membership must be used in computing any  
18              adjustment in a district's per student aid payments.
- 19          3.    School districts educating children of agricultural migratory workers and school  
20               districts offering ~~high school~~ approved summer courses during the months of June,  
21               July, and August are not restricted to payments for a one hundred eighty-day  
22               school term.
- 23          4.    Upon termination of the school year ~~and in no event later than July fifteenth~~, the  
24               business manager of each school district that has received payments from state  
25               funds under the provisions of this chapter shall file with the ~~county superintendent~~  
26               ~~of schools~~ school board a verified statement of the name, residence, and  
27               membership of each student and the units of high school work taken by each  
28               enrolled student ~~enrolled during the previous school year. The county~~  
29               ~~superintendent shall investigate the validity of the statement and shall determine~~  
30               ~~the residence and other qualifications of each student named in the statement.~~  
31               ~~The county superintendent of schools shall attest to the statement. On or before~~

~~September first of each year, the county superintendent shall certify to the superintendent of public instruction the number of students enrolled in each district in the county for the previous school year upon which any adjustment may be based. If the county superintendent disallows any statement in whole or in part, the county superintendent shall provide notice of the disallowance, together with the names of the affected students, to the superintendent of public instruction and to the school district filing the statement.~~

5. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction, in the form and manner prescribed by the superintendent, the students in average daily membership for the recently completed school year. The superintendent shall notify the school district of any student average daily membership that is disallowed.

6. A district may appeal the determination of a county the superintendent by submitting a written appeal to the superintendent of public instruction on or before September fifteenth of the year in which the determination is made. The superintendent of public instruction may modify the determination of the county superintendent if the evidence submitted by the district justifies a modification. The judgment Upon appeal, or in a case when no timely appeal is made, the determination of the superintendent of public instruction is final.

**SECTION 4. AMENDMENT.** Section 15.1-27-29 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-29. Transportation payments - Certification of information.**

1. ~~On or before July fifteenth of each~~ Upon termination of the school year, the business manager of a school district shall certify to the ~~county superintendent of schools~~ school board the following information regarding the buses that transported students residing outside the incorporated limits of the city in which their school was located:
- a. The number of buses operated on a contract basis or owned and operated by the district;
  - b. The manufacturer's listed passenger capacity of each bus; and
  - c. The daily mileage that each bus traveled in transporting students.

- 1           2. ~~On or before July fifteenth of each~~ Upon termination of the school year, the  
2           business manager of a school district shall certify to the ~~county superintendent of~~  
3           ~~schools~~ school board the following information regarding the schoolbuses or  
4           commercial buses that transported students residing within the incorporated limits  
5           of the city in which their school was located:
  - 6           a. A city plat indicating the location of each school building;
  - 7           b. The route traveled by each bus;
  - 8           c. The manufacturer's listed passenger capacity of each bus; and
  - 9           d. The number of one-way bus trips taken during the school year by students  
10           residing within the city limits.
- 11          3. ~~On or before July fifteenth of each~~ Upon termination of the school year, the  
12          business manager of each school district shall certify to the ~~county superintendent~~  
13          ~~of schools~~ school board the amount of transportation payments claimed and any  
14          other information required by the superintendent of public instruction.
- 15          4. On or before ~~September first~~ June thirtieth of each year, the ~~county superintendent~~  
16          ~~of schools~~ school board shall:
  - 17          a. ~~Certify~~ certify to the superintendent of public instruction in the form and  
18             manner prescribed by the superintendent all claims for transportation  
19             payments ~~submitted by each school district in the county; and~~
  - 20          b. ~~Notify a~~ The superintendent shall notify the school district of any claims for  
21             transportation payments that have been disallowed.
- 22          5. A district may appeal the decision of ~~a county~~ the superintendent under  
23          subsection 4 by submitting a written appeal to the superintendent of public  
24          instruction on or before September fifteenth of the year in which the determination  
25          is made. The superintendent of public instruction may modify the determination ~~of~~  
26          ~~the county superintendent. The judgment~~ if the facts and law justify the  
27          modification. Upon appeal, or in a case when no timely appeal is made, the  
28          determination of the superintendent of public instruction is final.
- 29          6. For purposes of this section, daily mileage means twice the distance computed to  
30          the nearest tenth of a mile [160.93 meters] traveled in a single trip by each bus  
31          over its scheduled route.