

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1214

Introduced by

Representatives Richter, Heinert, Novak, J. Olson, Sanford, Murphy, Jonas

Senators Barta, Rummel, Schaible, Sickler

In place of amendment (25.0752.02001) adopted by the Senate, Engrossed House Bill No. 1214 is amended by amendment (25.0752.02003) as follows:

1 | A BILL for an Act to create and enact ~~a new section to chapter 15.1-27~~section 15.1-27-31.2 of
2 | the North Dakota Century Code, relating to transportation weighted student unit equivalents; to
3 | amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to open
4 | enrollment transportation; ~~and~~ to repeal sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1,
5 | 15.1-27-30.1, and 15.1-27-31.1 of the North Dakota Century Code, relating to payments for
6 | school district transportation of students, special education students, and career and technical
7 | education students, the distribution of transportation payments in the event of school district
8 | closure, and state transportation payments to school districts; and to provide an effective date.

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

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

12 | **SECTION 1.** Section 15.1-27-31.2 of the North Dakota Century Code is created and
13 | enacted as follows:

14 | **15.1-27-31.2. Transportation average daily membership equivalents converted to**
15 | **weighted student unit equivalents - Determination.**

- 16 | 1. The superintendent of public instruction shall determine transportation average daily
17 | membership equivalents for eligible school districts providing schoolbus transportation
18 | in contract schoolbuses, or in district-owned and operated schoolbuses, and for
19 | eligible school districts with students riding commercial buses to and from a school

- 1 within the incorporated limits of a city. Transportation average daily membership
2 equivalents must be determined as follows:
- 3 a. 0.0011 multiplied by the number of eligible large bus miles;
4 b. 0.00052 multiplied by the number of eligible small bus miles;
5 c. 0.01 multiplied by the number of eligible large bus runs;
6 d. 0.00468 multiplied by the number of eligible small bus runs;
7 e. 0.012 multiplied by the number of square miles in the school district;
8 f. 2.0 multiplied by the number of educational school plants within the school district
9 boundary; and
10 g. 0.00025 multiplied by the number of eligible miles transported by a student's
11 family and reimbursed by the school district.
- 12 2. The superintendent of public instruction shall determine each school district's total
13 transportation average daily membership equivalent by adding the products derived
14 under subsection 1 and then multiplying the total transportation average daily
15 membership equivalent by ~~0.4~~0.091 to determine the school district's weighted student
16 unit equivalent.
- 17 3. Subject to legislative appropriation, the superintendent of public instruction shall pay
18 each school district providing school bus transportation in contract schoolbuses, or in
19 district-owned and operated schoolbuses, an amount equal to the school district's
20 weighted student unit equivalent multiplied by the per student payment rate for the
21 applicable school year in subsection 3 of section 15.1-27-04.1. For school districts
22 whose eligible bus miles and eligible bus runs remain the same, or increase from the
23 prior year, the transportation payment under this subsection may not be less than the
24 transportation payment received by the school district for the preceding year.
- 25 4. To be eligible, school districts must certify compliance with state law relating to
26 schoolbus standards and school vehicle driver requirements. The superintendent of
27 public instruction may adopt rules governing certification of compliance under this
28 subsection.
- 29 5. Each year, the superintendent of public instruction shall determine the school district's
30 transportation average daily membership equivalent based on the latest available

- 1 miles and runs. Eligible miles and runs include miles and runs transporting eligible
2 students to and from:
- 3 a. School, including miles students are transported by family transportation in
4 accordance with section 15.1-30-02;
- 5 b. Special education programs approved by the superintendent of public instruction,
6 regardless of whether the students transported live within the incorporated limits
7 of the city in which the students' school is located, including miles students are
8 transported by family transportation pursuant to subsection 56; and
- 9 c. Career and technology centers and career and technical education courses,
10 either within the district or in other school districts offered through cooperative
11 arrangements approved by the state board for career and technical education,
12 regardless of whether the students transported live within the incorporated limits
13 of the city in which the students' school is located.
- 14 6. To be eligible for special education miles, a student transported by a family member
15 must:
- 16 a. Be a student with a disability as defined in chapter 15.1-32;
- 17 b. Have an individualized education plan program that requires the student attend a
18 public or nonpublic school located outside the student's school district of
19 residence; and
- 20 c. Be transported by an adult family member in family provided transportation
21 reimbursed by the school district for no more than two round trips per day
22 between the home of the student and the school.
- 23 7. If a school district ceases to exist, the superintendent of public instruction shall adjust,
24 in the first year after closure, the transportation average daily membership equivalents
25 of each school district in the state which enrolls students who attended the former
26 school. The superintendent of public instruction shall determine the transportation
27 average daily membership equivalents the former school district would have been
28 entitled to for providing transportation services during the school district's final year of
29 operation and shall prorate those transportation average daily membership
30 equivalents to each enrolling school district based on the number of students enrolled
31 from the former school. Transportation average daily membership equivalents of the

1 enrolling school districts after the first year will be based on reported transportation
2 average daily membership equivalents.

3 8. This section does not apply to miles and runs:

4 a. Incurred in providing transportation for students to attend extracurricular activities
5 or events; or

6 b. Related to students who are participating in open enrollment, or who are enrolled
7 pursuant to a written contract entered by the sending and admitting districts
8 which waives the charge and collection of tuition for the student.

9 9. The superintendent of public instruction may adopt rules relating to information
10 reported by school districts and reporting deadlines.

11 **SECTION 2. AMENDMENT.** Section 15.1-27-31.2 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-27-31.2. Transportation average daily membership equivalents converted to**
14 **weighted student unit equivalents - Determination.**

15 1. The superintendent of public instruction shall determine transportation average daily
16 membership equivalents for eligible school districts providing schoolbus transportation
17 in contract schoolbuses, or in district-owned and operated schoolbuses, and for
18 eligible school districts with students riding commercial buses to and from a school
19 within the incorporated limits of a city. Transportation average daily membership
20 equivalents must be determined as follows:

21 a. 0.0011 multiplied by the number of eligible large bus miles;

22 b. 0.00052 multiplied by the number of eligible small bus miles;

23 c. 0.01 multiplied by the number of eligible large bus runs;

24 d. 0.00468 multiplied by the number of eligible small bus runs;

25 e. 0.012 multiplied by the number of square miles in the school district;

26 f. 2.0 multiplied by the number of educational school plants within the school district
27 boundary; and

28 g. 0.00025 multiplied by the number of eligible miles transported by a student's
29 family and reimbursed by the school district.

30 2. The superintendent of public instruction shall determine each school district's total
31 transportation average daily membership equivalent by adding the products derived

1 under subsection 1 and then multiplying the total transportation average daily
2 membership equivalent by 0.091 to determine the school district's weighted student
3 unit equivalent.

4 3. Subject to legislative appropriation, the superintendent of public instruction shall pay
5 each school district providing school bus transportation in contract schoolbuses, or in
6 district-owned and operated schoolbuses, an amount equal to the school district's
7 weighted student unit equivalent multiplied by the per student payment rate for the
8 applicable school year in subsection 3 of section 15.1-27-04.1. ~~For school districts
9 whose eligible bus miles and eligible bus runs remain the same, or increase from the
10 prior year, the transportation payment under this subsection may not be less than the
11 transportation payment received by the school district for the preceding year.~~

12 4. To be eligible, school districts must certify compliance with state law relating to
13 schoolbus standards and school vehicle driver requirements. The superintendent of
14 public instruction may adopt rules governing certification of compliance under this
15 subsection.

16 5. Each year, the superintendent of public instruction shall determine the school district's
17 transportation average daily membership equivalent based on the latest available
18 miles and runs. Eligible miles and runs include miles and runs transporting eligible
19 students to and from:

- 20 a. School, including miles students are transported by family transportation in
21 accordance with section 15.1-30-02;
- 22 b. Special education programs approved by the superintendent of public instruction,
23 regardless of whether the students transported live within the incorporated limits
24 of the city in which the students' school is located, including miles students are
25 transported by family transportation pursuant to subsection 6; and
- 26 c. Career and technology centers and career and technical education courses,
27 either within the district or in other school districts offered through cooperative
28 arrangements approved by the state board for career and technical education,
29 regardless of whether the students transported live within the incorporated limits
30 of the city in which the students' school is located.

- 1 6. To be eligible for special education miles, a student transported by a family member
2 must:
 - 3 a. Be a student with a disability as defined in chapter 15.1-32;
 - 4 b. Have an individualized education program that requires the student attend a
5 public or nonpublic school located outside the student's school district of
6 residence; and
 - 7 c. Be transported by an adult family member in family provided transportation
8 reimbursed by the school district for no more than two round trips per day
9 between the home of the student and the school.
- 10 7. If a school district ceases to exist, the superintendent of public instruction shall adjust,
11 in the first year after closure, the transportation average daily membership equivalents
12 of each school district in the state which enrolls students who attended the former
13 school. The superintendent of public instruction shall determine the transportation
14 average daily membership equivalents the former school district would have been
15 entitled to for providing transportation services during the school district's final year of
16 operation and shall prorate those transportation average daily membership
17 equivalents to each enrolling school district based on the number of students enrolled
18 from the former school. Transportation average daily membership equivalents of the
19 enrolling school districts after the first year will be based on reported transportation
20 average daily membership equivalents.
- 21 8. This section does not apply to miles and runs:
 - 22 a. Incurred in providing transportation for students to attend extracurricular activities
23 or events; or
 - 24 b. Related to students who are participating in open enrollment, or who are enrolled
25 pursuant to a written contract entered by the sending and admitting districts
26 which waives the charge and collection of tuition for the student.
- 27 9. The superintendent of public instruction may adopt rules relating to information
28 reported by school districts and reporting deadlines.

29 **SECTION 3. AMENDMENT.** Section 15.1-31-05 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-31-05. Open enrollment - Transportation.**

2 A school district of residence may provide transportation to a student participating in open
3 enrollment. If a district of residence does not provide transportation to a student participating in
4 open enrollment, transportation may be provided by the admitting district. A school district may
5 not receive transportation aid disbursements under subdivision a of subsection 1 of section
6 ~~15.1-27-26.1~~ or subsection 3 of section ~~15.1-27-26.1~~ for include any factors associated with
7 transporting students who are participating in open enrollment, or who are enrolled pursuant to
8 a written contract entered by the sending and admitting districts which waives the charge and
9 collection of tuition for the student in the calculation of transportation average daily membership
10 equivalents under section ~~2 of this Act~~ 15.1-27-31.2.

11 **SECTION 4. REPEAL.** Sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1,
12 and 15.1-27-31.1 of the North Dakota Century Code are repealed.

13 **SECTION 5. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2027.