

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1166  
(Education Committee)  
(At the request of the Superintendent of Public Instruction)

AN ACT to amend and reenact sections 15.1-07-16, 15.1-09-46, 15.1-27-20, and 15.1-27-29 of the North Dakota Century Code, relating to reports made to the county superintendent of schools and the superintendent of public instruction.

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

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

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

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

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

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

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

1. Upon the completion of student registration and in no event later than September tenth of each year, the business manager of a school district claiming payments from state funds under the provisions of this chapter shall file a claim in the form and manner prescribed by the superintendent of public instruction. The business manager must provide the number of registered high school and elementary school students for whom payments are claimed and any other information requested by the superintendent of public instruction.
2. The superintendent of public instruction shall compute the per student payments on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever provides the greater total payment. The superintendent shall make adjustments in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's per student aid payments.

3. School districts educating children of agricultural migratory workers and school districts offering ~~high school~~ approved summer courses during the months of June, July, and August are not restricted to payments for a one hundred eighty-day school term.
4. Upon termination of the school year ~~and in no event later than July fifteenth~~, the business manager of each school district that has received payments from state funds under the provisions of this chapter shall file with the ~~county superintendent of schools~~ school board a verified statement of the name, residence, and membership of each student and the units of high school work taken by each enrolled student ~~enrolled during the previous school year~~. ~~The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement. 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.
2. ~~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 schoolbuses or commercial buses that transported students residing within the incorporated limits of the city in which their school was located:
  - a. A city plat indicating the location of each school building;

- b. The route traveled by each bus;
  - c. The manufacturer's listed passenger capacity of each bus; and
  - d. The number of one-way bus trips taken during the school year by students residing within the city limits.
3. ~~On or before July fifteenth of each~~ Upon termination of the school year, the business manager of each school district shall certify to the ~~county superintendent of schools~~ school board the amount of transportation payments claimed and any other information required by the superintendent of public instruction.
  4. On or before ~~September first~~ June thirtieth of each year, the ~~county superintendent of schools~~ school board shall:
    - a. ~~Certify~~ certify to the superintendent of public instruction in the form and manner prescribed by the superintendent all claims for transportation payments ~~submitted by each school district in the county; and~~
    - b. ~~Notify a~~ The superintendent shall notify the school district of any claims for transportation payments that have been disallowed.
  5. A district may appeal the decision of ~~a county~~ the superintendent under subsection 4 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. The judgment~~ if the facts and law justify the modification. Upon appeal, or in a case when no timely appeal is made, the determination of the superintendent of public instruction is final.
  6. For purposes of this section, daily mileage means twice the distance computed to the nearest tenth of a mile [160.93 meters] traveled in a single trip by each bus over its scheduled route.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1166.

House Vote:      Yeas    89      Nays    1      Absent    4

Senate Vote:    Yeas    41      Nays    3      Absent    3

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State