21.0033.01000

Sixty-seventh
Legislative Assembly
of North Dakota

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Education Funding Formula Review Committee
January 2020

Introduced by

A BILL for an Act to create and enact six new sections to chapter 15.1-27 of the North Dakota Century Code, relating to school district transportation aid payments; and to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of open enrollment students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

School district transportation of students - Payments.

1. The superintendent of public instruction shall pay each school district providing school bus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts from state funds:
   a. For schoolbuses and school vehicles transporting students:
      (1) Fifty-two cents per mile [1.61 kilometers] for vehicles that have a capacity of fewer than ten students; and
      (2) One dollar and eleven cents per mile [1.61 kilometers] for schoolbuses that have a capacity of ten or more students.
   b. For each school district qualified to receive per mileage payments under subdivision a, an additional thirty cents per one-way trip for each student transported.
2. The superintendent of public instruction shall provide per mileage payments if:
   a. A school district qualifies to receive payment pursuant to subsection 1; and

b. The school district operates schoolbuses in accordance with state law relating to schoolbus standards and school vehicle driver requirements. A school district shall certify compliance with state law relating to schoolbus standards and school vehicle driver requirements when applying for payment under this section. The superintendent of public instruction may adopt rules governing certification of compliance under this subdivision.

3. The superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] one-way for each mile over two miles [3.22 kilometers] for students transported by family transportation in accordance with section 15.1-30-02, according to the distance between the home of the student and the school. The distance must be measured by the route from the front door of the school attended to the front door of the residence of the family of the student according to the most convenient public course traveled.

4. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of this section.

5. This section does not authorize the reimbursement of any costs incurred in providing transportation for students to attend extracurricular activities or events.

6. The superintendent of public instruction shall develop, and require school districts use, a uniform cost accounting system to calculate and administer the reimbursements provided under this section. The superintendent shall prepare forms and statements necessary for school districts to apply for reimbursements under this section.

SECTION 2. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district transportation of special education students - Payments.

1. The superintendent of public instruction shall pay each school district transporting students enrolled in special education programs approved by the superintendent of public instruction:

a. The amount provided in section 1 of this Act for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;

b. The amount provided in section 1 of this Act for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and

c. The additional amount provided in section 1 of this Act, per one-way trip, for each student transported.

2. Except as provided in subsection 3, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.

3. A school district may not receive more than one per student payment for transportation of a student regardless of the number of times a student is transported in one day.

4. The superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] if:

a. The student being transported has a disability, as defined in chapter 15.1-32;

b. The student has an individualized education plan that requires the student attend a public or nonpublic school located outside the student's school district of residence;

c. The student is transported by an adult family member in family provided transportation; and

d. The reimbursement does not exceed two round trips per day between the home of the student and the school.

5. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to a multidistrict special education unit.

SECTION 3. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district transportation of career and technical education students - Payments.

1. The superintendent of public instruction shall pay each school district transporting students to and from schools in other school districts and to and from schools within the district for vocational and technical education courses offered through cooperative arrangements approved by the state board for career and technical education:

a. The amount provided in section 1 of this Act for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;

b. The amount provided in section 1 of this Act for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and

c. The additional amount provided in section 1 of this Act, per one-way trip, for each student transported.

2. Except as provided in subsection 3, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.

3. A school district may not receive more than one per student payment for transportation of a student regardless of the number of times a student is transported in one day.

4. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to an area vocational and technology center.

SECTION 4. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Transportation payments - Certification of information.

1. By July fifteenth of each year, the business manager of each school district providing transportation shall certify to the county superintendent of schools the following information:

a. For schoolbuses that transported students who live outside the incorporated limits of the city in which the students' school is located:

(1) The number of buses operated on a contract basis or owned and operated by the district;

(2) The manufacturer's listed passenger capacity of each bus; and

(3) The daily mileage each bus traveled in transporting students under sections 1 through 3 of this Act.

b. For schoolbuses or commercial buses that transported students who live within the incorporated limits of the city in which the students' school is located:

(1) A city plat indicating the location of each school building;

(2) The route traveled by each bus;

(3) The manufacturer's listed passenger capacity of each bus; and

(4) The number of one-way bus trips taken on each bus during the school year by students residing within the city limits.

c. The amount of transportation payments claimed.

d. Any other information required by the superintendent of public instruction.

2. By September first of each year, the county superintendent of schools shall:

a. Certify to the superintendent of public instruction all claims for transportation payments submitted by school districts in the county; and

b. Notify school districts of any claims for transportation payments that have been disallowed.

3. A school district may appeal the decision of a county superintendent of schools to disallow a claim under subsection 2 to the superintendent of public instruction by September fifteenth of the year in which the determination is made. The superintendent of public instruction may modify the determination of the county superintendent of schools. The judgment of the superintendent of public instruction is final.

SECTION 5. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district closure - Distribution of transportation payments.

1. If a school district ceases to exist, the superintendent of public instruction shall calculate the amount of transportation payments to which the former school district would have been entitled for providing transportation services during the school district's final year of operation and shall pay a percentage of the amount certified to each school district in the state which enrolls students who attended the former school district during the prior school year. Each school district eligible for payment under this section is entitled to receive the percentage of the total amount certified which is the same as the percentage of the number of the district's students who attended the

former school district during the prior school year bears to the total number of students who attended the former school district during the prior school year.

2. The superintendent of public instruction shall pay the amount to which a school district is entitled under this section in the manner and at the time provided for other state payments in section 15.1-27-01.

SECTION 6. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

State transportation payments to school districts.

1. The superintendent of public instruction shall determine the total amount of payments to be made to the school districts for the transportation of students and shall pay the amount certified to each school district. Payments must be made in the same manner and at the time provided for other state payments in section 15.1-27-01.
2. A school district may not receive more than ninety percent of the actual costs incurred for the transportation of students.
3. For purposes of this section, actual costs include the transportation operating expenditures reported to the superintendent of public instruction for the most recent year plus the eight-year average cost of transportation equipment determined by the superintendent of public instruction. Any district having contracted for transportation services may determine the actual costs for the first year the district provides its own transportation services by using the statewide average cost of transportation during the first year.

SECTION 7. AMENDMENT. Section 15.1-31-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-05. Open enrollment - Transportation.

A school district of residence may provide transportation to a student participating in open enrollment. If a district of residence does not provide transportation to a student participating in open enrollment, transportation may be provided by the admitting district. A school district may not receive transportation aid disbursements under chapter 15.1-27 for transporting students who are participating in open enrollment unless the school district of residence does not provide educational services for the student's required grade levels.