

HOUSE BILL NO. 1214

Introduced by

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

Senators Barta, Rummel, Schaible, Sickler

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 weighted student unit equivalents; to amend and
3 reenact sections 15.1-27-03.1 and 15.1-31-05 of the North Dakota Century Code, relating to the
4 determination of weighted average daily membership and open enrollment transportation; and
5 to repeal sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1, and 15.1-27-31.1 of
6 the North Dakota Century Code, related to payments for school district transportation of
7 students, special education students, and career and technical education students, the
8 distribution of transportation payments in the event of school district closure, and state
9 transportation payments to school districts.

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

11 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 14 1. For each school district, the superintendent of public instruction shall multiply by:
- 15 a. 1.00 the number of full-time equivalent students enrolled in an extended
16 educational program in accordance with section 15.1-32-17;
- 17 b. 0.60 the number of full-time equivalent students enrolled in a summer education
18 program, including a migrant summer education program;
- 19 c. 0.40 the number of full-time equivalent students who:
- 20 (1) On a test of English language proficiency approved by the superintendent of
21 public instruction are determined to be least proficient and placed in the first
22 of six categories of proficiency; and
- 23 (2) Are enrolled in a program of instruction for English language learners;
- 24 d. 0.28 the number of full-time equivalent students who:

- 1 (1) On a test of English language proficiency approved by the superintendent of
2 public instruction are determined to be more proficient than students placed
3 in the first of six categories of proficiency and therefore placed in the second
4 of six categories of proficiency; and
- 5 (2) Are enrolled in a program of instruction for English language learners;
- 6 e. 0.25 the number of full-time equivalent students under the age of twenty-one
7 enrolled in grades nine through twelve in an alternative high school;
- 8 f. 0.20 the number of full-time equivalent students enrolled in a home-based
9 education program and monitored by the school district under chapter 15.1-23;
- 10 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
11 special education program;
- 12 h. 0.15 the number of full-time equivalent students in grades six through eight
13 enrolled in an alternative education program for at least an average of fifteen
14 hours per week;
- 15 i. 0.10 the number of students enrolled in average daily membership, if the district
16 has fewer than one hundred students enrolled in average daily membership and
17 the district consists of an area greater than two hundred seventy-five square
18 miles [19424.9 hectares], provided that any school district consisting of an area
19 greater than six hundred square miles [155399 hectares] and enrolling fewer than
20 fifty students in average daily membership must be deemed to have an
21 enrollment equal to fifty students in average daily membership;
- 22 j. 0.088 the number of students enrolled in average daily membership, in order to
23 support the provision of special education services;
- 24 k. 0.07 the number of full-time equivalent students who:
- 25 (1) On a test of English language proficiency approved by the superintendent of
26 public instruction are determined to be more proficient than students placed
27 in the second of six categories of proficiency and therefore placed in the
28 third of six categories of proficiency;
- 29 (2) Are enrolled in a program of instruction for English language learners; and
- 30 (3) Have not been in the third of six categories of proficiency for more than
31 three years;

- 1 l. 0.025 the number of students representing that percentage of the total number of
2 students in average daily membership which is equivalent to the three-year
3 average percentage of students in grades three through eight who are eligible for
4 free or reduced lunches under the Richard B. Russell National School Lunch Act
5 [42 U.S.C. 1751 et seq.];
- 6 m. 0.002 the number of students enrolled in average daily membership in a school
7 district that is a participating member of a regional education association meeting
8 the requirements of chapter 15.1-09.1;
- 9 n. 1.0 the number of students by which the district's September tenth enrollment
10 report exceeds the number of students in the prior year's average daily
11 membership; and
- 12 o. For districts paid based on September tenth enrollment in the prior year, 1.00 the
13 number of students determined by deducting the number of students in the prior
14 year's September tenth enrollment from the prior year's average daily
15 membership. If the prior year's September tenth enrollment exceeds the prior
16 year's average daily membership, then a deduction of 1.00 the number of excess
17 students; and
- 18 p. 1.0 the weighted student unit equivalent related to transportation determined in
19 subsection 2 of section 2 of this Act.
- 20 2. The superintendent of public instruction shall determine each school district's weighted
21 average daily membership by adding the products derived under subsection 1 to the
22 district's average daily membership.

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

25 **Transportation average daily membership equivalents converted to weighted student**
26 **unit equivalents - Determination.**

- 27 1. The superintendent of public instruction shall determine transportation average daily
28 membership equivalents for eligible school districts providing schoolbus transportation
29 in contract schoolbuses, or in district-owned and operated schoolbuses, and for
30 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 0.1 to determine the school district's weighted student unit
16 equivalent.
- 17 3. To be eligible, school districts must certify compliance with state law relating to
18 schoolbus standards and school vehicle driver requirements. The superintendent of
19 public instruction may adopt rules governing certification of compliance under this
20 subsection.
- 21 4. Each year, the superintendent of public instruction shall determine the school district's
22 transportation average daily membership equivalent based on the latest available
23 miles and runs. Eligible miles and runs include miles and runs transporting eligible
24 students to and from:
- 25 a. School, including miles students are transported by family transportation in
26 accordance with section 15.1-30-02;
27 b. Special education programs approved by the superintendent of public instruction,
28 regardless of whether the students transported live within the incorporated limits
29 of the city in which the students' school is located, including miles students are
30 transported by family transportation pursuant to subsection 5; and

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

1 8. The superintendent of public instruction may adopt rules relating to information
2 reported by school districts and reporting deadlines.

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

5 **15.1-31-05. Open enrollment - Transportation.**

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

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