

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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~~ section 15.1-31-05 of the North Dakota Century Code,
4 relating to ~~the determination of weighted average daily membership and~~ open enrollment
5 transportation; and to repeal sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1,
6 and 15.1-27-31.1 of the North Dakota Century Code, relating to payments for school district
7 transportation of students, special education students, and career and technical education
8 students, the distribution of transportation payments in the event of school district closure, and
9 state 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:~~

- 1 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
2 ~~public instruction are determined to be least proficient and placed in the first~~
3 ~~of six categories of proficiency; and~~
- 4 ~~————— (2) Are enrolled in a program of instruction for English language learners;~~
- 5 ~~————— d. 0.28 the number of full-time equivalent students who:~~
- 6 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
7 ~~public instruction are determined to be more proficient than students placed~~
8 ~~in the first of six categories of proficiency and therefore placed in the second~~
9 ~~of six categories of proficiency; and~~
- 10 ~~————— (2) Are enrolled in a program of instruction for English language learners;~~
- 11 ~~————— e. 0.25 the number of full-time equivalent students under the age of twenty-one~~
12 ~~enrolled in grades nine through twelve in an alternative high school;~~
- 13 ~~————— f. 0.20 the number of full-time equivalent students enrolled in a home-based~~
14 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 15 ~~————— g. 0.17 the number of full-time equivalent students enrolled in an early childhood~~
16 ~~special education program;~~
- 17 ~~————— h. 0.15 the number of full-time equivalent students in grades six through eight~~
18 ~~enrolled in an alternative education program for at least an average of fifteen~~
19 ~~hours per week;~~
- 20 ~~————— i. 0.10 the number of students enrolled in average daily membership, if the district~~
21 ~~has fewer than one hundred students enrolled in average daily membership and~~
22 ~~the district consists of an area greater than two hundred seventy-five square~~
23 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
24 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
25 ~~fifty students in average daily membership must be deemed to have an~~
26 ~~enrollment equal to fifty students in average daily membership;~~
- 27 ~~————— j. 0.088 the number of students enrolled in average daily membership, in order to~~
28 ~~support the provision of special education services;~~
- 29 ~~————— k. 0.07 the number of full-time equivalent students who:~~
- 30 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
31 ~~public instruction are determined to be more proficient than students placed~~

- 1 in the second of six categories of proficiency and therefore placed in the
2 third of six categories of proficiency;
- 3 ~~(2) Are enrolled in a program of instruction for English language learners; and~~
4 ~~(3) Have not been in the third of six categories of proficiency for more than~~
5 ~~three years;~~
- 6 ~~l. 0.025 the number of students representing that percentage of the total number of~~
7 ~~students in average daily membership which is equivalent to the three-year~~
8 ~~average percentage of students in grades three through eight who are eligible for~~
9 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
10 ~~[42 U.S.C. 1751 et seq.];~~
- 11 ~~m. 0.002 the number of students enrolled in average daily membership in a school~~
12 ~~district that is a participating member of a regional education association meeting~~
13 ~~the requirements of chapter 15.1-09.1;~~
- 14 ~~n. 1.0 the number of students by which the district's September tenth enrollment~~
15 ~~report exceeds the number of students in the prior year's average daily~~
16 ~~membership; and~~
- 17 ~~o. For districts paid based on September tenth enrollment in the prior year, 1.00 the~~
18 ~~number of students determined by deducting the number of students in the prior~~
19 ~~year's September tenth enrollment from the prior year's average daily~~
20 ~~membership. If the prior year's September tenth enrollment exceeds the prior~~
21 ~~year's average daily membership, then a deduction of 1.00 the number of excess~~
22 ~~students; and~~
- 23 ~~p. 1.0 the weighted student unit equivalent related to transportation determined in~~
24 ~~subsection 2 of section 2 of this Act.~~
- 25 ~~2. The superintendent of public instruction shall determine each school district's~~
26 ~~weighted average daily membership by adding the products derived under~~
27 ~~subsection 1 to the district's average daily membership.~~

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

1 **Transportation average daily membership equivalents converted to weighted student**
2 **unit equivalents - Determination.**

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

- 9 a. 0.0011 multiplied by the number of eligible large bus miles;
- 10 b. 0.00052 multiplied by the number of eligible small bus miles;
- 11 c. 0.01 multiplied by the number of eligible large bus runs;
- 12 d. 0.00468 multiplied by the number of eligible small bus runs;
- 13 e. 0.012 multiplied by the number of square miles in the school district;
- 14 f. 2.0 multiplied by the number of educational school plants within the school district
15 boundary; and
- 16 g. 0.00025 multiplied by the number of eligible miles transported by a student's
17 family and reimbursed by the school district.

18 2. The superintendent of public instruction shall determine each school district's total
19 transportation average daily membership equivalent by adding the products derived
20 under subsection 1 and then multiplying the total transportation average daily
21 membership equivalent by 0.1 to determine the school district's weighted student unit
22 equivalent.

23 3. Subject to legislative appropriation, the superintendent of public instruction shall pay
24 each school district providing school bus transportation in contract schoolbuses, or in
25 district-owned and operated schoolbuses, an amount equal to the school district's
26 weighted student unit equivalent multiplied by the per student payment rate for the
27 applicable school year in subsection 3 of section 15.1-27-04.1.

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

- 1 | 4.5. Each year, the superintendent of public instruction shall determine the school district's
2 | transportation average daily membership equivalent based on the latest available
3 | miles and runs. Eligible miles and runs include miles and runs transporting eligible
4 | students to and from:
- 5 | a. School, including miles students are transported by family transportation in
6 | accordance with section 15.1-30-02;
- 7 | b. Special education programs approved by the superintendent of public instruction,
8 | regardless of whether the students transported live within the incorporated limits
9 | of the city in which the students' school is located, including miles students are
10 | transported by family transportation pursuant to subsection 5; and
- 11 | c. Career and technology centers and career and technical education courses,
12 | either within the district or in other school districts offered through cooperative
13 | arrangements approved by the state board for career and technical education,
14 | regardless of whether the students transported live within the incorporated limits
15 | of the city in which the students' school is located.
- 16 | 5.6. To be eligible for special education miles, a student transported by a family member
17 | must:
- 18 | a. Be a student with a disability as defined in chapter 15.1-32;
- 19 | b. Have an individualized education plan that requires the student attend a public or
20 | nonpublic school located outside the student's school district of residence; and
- 21 | c. Be transported by an adult family member in family provided transportation
22 | reimbursed by the school district for no more than two round trips per day
23 | between the home of the student and the school.
- 24 | 6.7. If a school district ceases to exist, the superintendent of public instruction shall adjust,
25 | in the first year after closure, the transportation average daily membership equivalents
26 | of each school district in the state which enrolls students who attended the former
27 | school. The superintendent of public instruction shall determine the transportation
28 | average daily membership equivalents the former school district would have been
29 | entitled to for providing transportation services during the school district's final year of
30 | operation and shall prorate those transportation average daily membership
31 | equivalents to each enrolling school district based on the number of students enrolled

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

4 7.8. This section does not apply to miles and runs:

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

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

10 8.9. The superintendent of public instruction may adopt rules relating to information
11 reported by school districts and reporting deadlines.

12 **SECTION 2. AMENDMENT.** Section 15.1-31-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-31-05. Open enrollment - Transportation.**

15 A school district of residence may provide transportation to a student participating in open
16 enrollment. If a district of residence does not provide transportation to a student participating in
17 open enrollment, transportation may be provided by the admitting district. A school district may
18 ~~not receive transportation aid disbursements under subdivision a of subsection 1 of section~~
19 ~~15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for~~include any factors associated with
20 transporting students who are participating in open enrollment, or who are enrolled pursuant to
21 a written contract entered by the sending and admitting districts which waives the charge and
22 collection of tuition for the student in the calculation of transportation average daily membership
23 equivalents under section 2 of this Act.

24 **SECTION 3. REPEAL.** Sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1,
25 and 15.1-27-31.1 of the North Dakota Century Code are repealed.