

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED 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 section 15.1-27-31.2 of the North Dakota Century Code,
2 relating to transportation weighted student unit equivalents; to amend and reenact section
3 15.1-31-05 of the North Dakota Century Code, relating to open enrollment transportation; to
4 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 the
5 North Dakota Century Code, relating to payments for school district transportation of students,
6 special education students, and career and technical education students, the distribution of
7 transportation payments in the event of school district closure, and state transportation
8 payments to school districts; and to provide an effective date.

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

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

12 **15.1-27-31.2. Transportation average daily membership equivalents converted to**
13 **weighted student unit equivalents - Determination.**

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

- 20 a. 0.0011 multiplied by the number of eligible large bus miles;
21 b. 0.00052 multiplied by the number of eligible small bus miles;
22 c. 0.01 multiplied by the number of eligible large bus runs;

- 1 d. 0.00468 multiplied by the number of eligible small bus runs;
- 2 e. 0.012 multiplied by the number of square miles in the school district;
- 3 f. 2.0 multiplied by the number of educational school plants within the school district
- 4 boundary; and
- 5 g. 0.00025 multiplied by the number of eligible miles transported by a student's
- 6 family and reimbursed by the school district.
- 7 2. The superintendent of public instruction shall determine each school district's total
- 8 transportation average daily membership equivalent by adding the products derived
- 9 under subsection 1 and then multiplying the total transportation average daily
- 10 membership equivalent by 0.091 to determine the school district's weighted student
- 11 unit equivalent.
- 12 3. Subject to legislative appropriation, the superintendent of public instruction shall pay
- 13 each school district providing schoolbus transportation in contract schoolbuses, or in
- 14 district-owned and operated schoolbuses, an amount equal to the school district's
- 15 weighted student unit equivalent multiplied by the per student payment rate for the
- 16 applicable school year in subsection 3 of section 15.1-27-04.1. For school districts
- 17 whose eligible bus miles and eligible bus runs remain the same, or increase from the
- 18 prior year, the transportation payment under this subsection may not be less than the
- 19 transportation payment received by the school district for the preceding year.
- 20 4. To be eligible, school districts must certify compliance with state law relating to
- 21 schoolbus standards and school vehicle driver requirements. The superintendent of
- 22 public instruction may adopt rules governing certification of compliance under this
- 23 subsection.
- 24 5. Each year, the superintendent of public instruction shall determine the school district's
- 25 transportation average daily membership equivalent based on the latest available
- 26 miles and runs. Eligible miles and runs include miles and runs transporting eligible
- 27 students to and from:
- 28 a. School, including miles students are transported by family transportation in
- 29 accordance with section 15.1-30-02;
- 30 b. Special education programs approved by the superintendent of public instruction,
- 31 regardless of whether the students transported live within the incorporated limits

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

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

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

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

8 **15.1-27-31.2. Transportation average daily membership equivalents converted to**
9 **weighted student unit equivalents - Determination.**

- 10 1. The superintendent of public instruction shall determine transportation average daily
11 membership equivalents for eligible school districts providing schoolbus transportation
12 in contract schoolbuses, or in district-owned and operated schoolbuses, and for
13 eligible school districts with students riding commercial buses to and from a school
14 within the incorporated limits of a city. Transportation average daily membership
15 equivalents must be determined as follows:
- 16 a. 0.0011 multiplied by the number of eligible large bus miles;
17 b. 0.00052 multiplied by the number of eligible small bus miles;
18 c. 0.01 multiplied by the number of eligible large bus runs;
19 d. 0.00468 multiplied by the number of eligible small bus runs;
20 e. 0.012 multiplied by the number of square miles in the school district;
21 f. 2.0 multiplied by the number of educational school plants within the school district
22 boundary; and
23 g. 0.00025 multiplied by the number of eligible miles transported by a student's
24 family and reimbursed by the school district.
- 25 2. The superintendent of public instruction shall determine each school district's total
26 transportation average daily membership equivalent by adding the products derived
27 under subsection 1 and then multiplying the total transportation average daily
28 membership equivalent by 0.091 to determine the school district's weighted student
29 unit equivalent.
- 30 3. Subject to legislative appropriation, the superintendent of public instruction shall pay
31 each school district providing schoolbus transportation in contract schoolbuses, or in

district-owned and operated schoolbuses, an amount equal to the school district's weighted student unit equivalent multiplied by the per student payment rate for the applicable school year in subsection 3 of section 15.1-27-04.1. ~~For school districts whose eligible bus miles and eligible bus runs remain the same, or increase from the prior year, the transportation payment under this subsection may not be less than the transportation payment received by the school district for the preceding year.~~

4. To be eligible, school districts must certify compliance with state law relating to schoolbus standards and school vehicle driver requirements. The superintendent of public instruction may adopt rules governing certification of compliance under this subsection.
5. Each year, the superintendent of public instruction shall determine the school district's transportation average daily membership equivalent based on the latest available miles and runs. Eligible miles and runs include miles and runs transporting eligible students to and from:
 - a. School, including miles students are transported by family transportation in accordance with section 15.1-30-02;
 - b. Special education programs approved by the superintendent of public instruction, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located, including miles students are transported by family transportation pursuant to subsection 6; and
 - c. Career and technology centers and career and technical education courses, either within the district or in other school districts offered through cooperative arrangements approved by the state board for career and technical education, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
6. To be eligible for special education miles, a student transported by a family member must:
 - a. Be a student with a disability as defined in chapter 15.1-32;
 - b. Have an individualized education program that requires the student attend a public or nonpublic school located outside the student's school district of residence; and

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

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

25 **15.1-31-05. Open enrollment - Transportation.**

26 A school district of residence may provide transportation to a student participating in open
27 enrollment. If a district of residence does not provide transportation to a student participating in
28 open enrollment, transportation may be provided by the admitting district. A school district may
29 ~~not receive transportation aid disbursements under subdivision a of subsection 1 of section~~
30 ~~15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for~~ include any factors associated with
31 transporting students who are participating in open enrollment, or who are enrolled pursuant to

1 a written contract entered by the sending and admitting districts which waives the charge and
2 collection of tuition for the student in the calculation of transportation average daily membership
3 equivalents under section 15.1-27-31.2.

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

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