

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1214
(Representatives Richter, Heinert, Novak, J. Olson, Sanford, Murphy, Jonas)
(Senators Barta, Rummel, Schaible, Sickler)

AN ACT to create and enact section 15.1-27-31.2 of the North Dakota Century Code, relating to transportation weighted student unit equivalents; to amend and reenact sections 15.1-31-05 and 15.1-27-31.2 of the North Dakota Century Code, relating to open enrollment transportation; 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 the North Dakota Century Code, relating to payments for school district transportation of students, special education students, and career and technical education students, the distribution of transportation payments in the event of school district closure, and state transportation payments to school districts; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and
 - g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.
2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay 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
 - c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.
7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
 - a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

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

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

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and
 - g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.
2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay 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
 - c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.
7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
- a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

SECTION 3. 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 subdivision a of subsection 1 of section 15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for include any factors associated with transporting students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student in the calculation of transportation average daily membership equivalents under section 15.1-27-31.2.

SECTION 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 North Dakota Century Code are repealed.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1214.

House Vote: Yeas 86 Nays 5 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State