

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

11888

2001 HOUSE EDUCATION

HB 1188

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1188

House Education Committee

☐ Conference Committee

Hearing Date 01/23/01

Tape Number	Side A	Side B	Meter #
#4	X		1-2930
#4		X	1-1382
Committee Clerk Signature <i>Spaci Gilbert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on HB1188.

Tom Decker: (DPI) *Please refer to written testimony*

Dr. Nygard: (NDSU professor) *Explained computerized busing routes*

Rep. Solberg: Would this allow parents the option of busing their own children?

Decker: That issue would remain in the control of each district. Districts now have the authority to authorize family transportation in the district and pay for it and determine where that would be allowed and where it wouldn't. The money within the law that has some impact on that is language that institutionalizes which we've done all along, and that is family transportation miles

can't be paid for miles that are on bus routes. That's a limiting factor. We wouldn't want to get in a situation where a family brings a family to school when ten of that is on a bus route.

Rep. Solberg: So then, what you said is that this is in the jurisdiction of the school board to tell these families that they could bus their families and get paid for it.

Decker: Yes it is, and a growing number of districts do allow family transportation, some still don't, it's all bus transportation where families choose to transport on their own, but as the demographics change and as you get into the trunk and feeder route system, there would be a growing number of circumstances where it would be useful to have the families bring their children to a pick up point.

Rep. Thoreson: Do we have any of the trunk and feeder systems that they're using now?

Decker: I'm not aware of any and Dr. Nygard says that he is not. Bigger districts would seem like likely candidates to use this pattern, but clearly it's not used as often as it should be.

Rep. Brusegaard: Is the main stumbling block the need for more drivers?

Decker: We hear complaints fairly regularly about getting drivers. Again, there's another reason that, paying more and encouraging more family transportation may be helpful.

Rep. Nelson: In situations where there are transportation problems to link a route, and such, wouldn't it be better handled on a local level. Obviously that's the first course of action that's got a student that's riding on a route longer than an hour, would be to go to the school board. In situations where it gets to a point where it's becoming unmanageable that the local district that would have a solution that would be less restrictive than a mandate from the state as to how long a route can be. Don't you think this can be handled from a local level?

Decker: Certainly, theoretically, the answer to that is yes. In fact, most of the calls I get are from people who have been down the route you've just described, and could not get satisfaction of the issue at the local level and simply feel like there are students on the bus too long and what leverage there is at a local level to improve the situation.

Rep. Nelson: In most cases, I would guess, in the delivery process, not only if they had the funds available to correct them they would, but that's consideration that has to be made, and even with this system, or the mandated system that we're looking at today, or a local decision, in either case, it's going to cost more money, wouldn't you agree?

Decker: If we set a one hour limit, we decide that's a priority for quality for students in rural ND, it will cost more money for transportation, but I think, as things are changing in ND, that may be an issue of enough importance to set that quality standard, and say we're going to pay for it. I'm not convinced that it will cost significantly more. I think if we use transportation routing as Dr. Nygard has explained it, the cost will be some more, probably not greatly more as we align equipment to transportation needs per students.

Rep. Nelson: One of the things that I've seen in my school board career was the fact that most districts, to maximize their transportation payments, they ended up buying the larger school buses to get the higher of the two payments. If there was some flexibility to use lower capacity buses, they'd have much shorter routes, they'd be much less costly to run, they could add more routes, and there would be more seat time, and nobody would be riding for an hour.

Decker: Districts I think have the flexibility to buy a variety of equipment. Remember that large bus payments are \$.67 a mile and riding for students both in town and out of town goes down to a unit that has a rated passage capacity of ten, so a fourteen passenger commercial van or a

twenty-two passenger, small one ton school bus, fits that \$.67 a mile category, so I think there's already a fair amount of flexibility in the kind of equipment districts can buy and use. I think the issue is maybe drivers in some cases, but more importantly, a change in thinking about what's possible.

Rep. Meier: At length, can you give me an estimate, what is the longest length that a child is riding a school bus in ND?

Decker: I'm working from memory, but I talked to a woman not long ago that is from just Southwest of here, who was a first grader got on the bus at 6:30 or 6:45 and rode for an hour and a half to get to school. There may actually be some that are longer than that, but an hour and a half is generally considered very long. That's three hours on a bus for a first grader.

Rep. Meier: Is this happening quite a bit?

Decker: I think the short answer is yes. What we're seeing is as enrollment declines, a district that has typically had six routes, goes to five, has eight routes, goes to seven, and the pattern is just to make those routes longer, and unless we interrupt that pattern, ride time is going to keep stretching out as districts in ND continue to grow in size.

Rep. Mueller: That fiscal note is going to be important. One of the things that comes to mind is I look at this and we have a lot of the kids in the country that drive to school. They drive to school for extracurricular reasons probably. How would the family transportation issue enter into that thing? Does any of this stuff come into play in this particular bill?

Decker: Those are choice issues that probably need to be made at a district level. I understand from my own experience, I wouldn't have ridden the bus either because of activities and other things; we don't want to get in the situation where districts are asked to pay duplicative mileage

where students choose to drive to school for reasons other than there isn't a bus available, so there's some choice making involved. We may need to give the districts more freedom than what they perceive they have in terms of how they set up their routes, but most districts feel the need today to run the bus fine home today on every student out there. We should consider, maybe on a semester basis, whether they're going to ride or not, and/or be willing to provide some alternative where we don't have to run the bus by every household, or go to systems like Montana has, where buses travel on county roads and state roads, and parents are expected to bring students to those pick up points. As things continue to change, there's a lot of things we need to think about, so there's no easy answer, but in some cases, the family may qualify for family transportation because there's no bus going their way, and those kids do need to come into a school over miles that are not on a bus route.

Rep. Mueller: Along those lines, we're talking about the transportation of young people: who's going to be doing that transporting in that instance we just talked about. That's a high school kid, could be an eighth grader? What kind of liability are we dealing with?

Decker: We have a provisionary law now that anyone who gets a transportation payment from ND for family transportation has to have a driver 18 years of age or older. I would expect we would stay with that strictly for liability purposes. That puts some burdens on some families in some circumstances, but as the state has become more conscience of the potential exposure of liability I think it's reasonable.

Rep. Hunsaker: On a feeder system, from the home to the bus stop, the family has responsibility in case of an accident or injury?

Decker: It depends on how that feeder route is structured. The feeder routes that Dr. Nygard talked about could involve a variety of pick up systems. One family could bring that child to the pick up point, the other two areas could be picked up with more kids, maybe by a 14 passenger van and dropped at the transfer point. Where the school district is contracting or providing the bus service directly, they're covering the liability. The family that's getting paid for transportation is taking care of their own liability.

Rep. Hunsakor: What happens from the time the student steps out of the parent's vehicle to get on the bus in case there's an injury, death, whatever's involved. In that movement from the car to the bus, there's a major accident, who has responsibility?

Decker: I'm not an attorney, but certainly the school district has the responsibility to make those transfer points safe, that's not on the intersection of two busy highways. It's in somebody's yard, or someplace off the highway where the transfer can be made in safety, so the school district has the responsibility to make precautions in that regard.

Rep. Nelson: Has a presentation like that been presented to the state school boards convention, so our boards have more options available to them than just the monetary considerations of trying to compress as much out of their bus routes as they possibly can?

Dr. Nygard: No, I have not presented to that group. I did give a presentation to the school superintendent's association of North Dakota, so there have been times when I've done that.

Chairman Kelsch: We will not close the hearing on HB118.


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1188 A

House Education Committee

☐ Conference Committee

Hearing Date 02/07/01

Tape Number	Side A	Side B	Meter #
#2		X	718 to 1440
Committee Clerk Signature 			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up HB1188.

Rep. Brusegaard: I move the amendments.

Rep. Nelson: Second.

Chairman Kelsch: What are the wishes of the committee?

Rep. Brusegaard: I move a DO NOT PASS AS AMENDED.

Rep. Nelson: Second.

Chairman Kelsch: Committee discussion.

The motion of DO NOT PASS AS AMENDED with 15 YAY 0 NAY 0 ABSENT

Floor Assignment: Rep. Meler

FISCAL NOTE

Requested by Legislative Council

02/14/2001

Bill/Resolution No.:

Amendment to: HB 1188

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$82,900	\$0	\$82,900	\$0
Appropriations	\$0	\$0	\$82,900	\$0	\$82,900	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$82,900	\$0	\$0	\$82,900

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The proposed legislation increases reimbursement for family transportation through foundation aid for transportation from \$.40 per mile one-way to \$.25 per mile round trip.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The increase cost is estimated to be \$82,900 from transportation aid to reimburse districts at \$.25 per mile for family transportation.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Tom Decker	Agency:	Public Instruction
Phone Number:	328-2267	Date Prepared:	02/15/2001

FISCAL NOTE

Requested by Legislative Council
12/26/2000

Bill/Resolution No.: HB 1188

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$82,900	\$0	\$82,900	\$0
Appropriations	\$0	\$0	\$82,900	\$0	\$82,900	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$82,900	\$0	\$0	\$82,900

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The increase cost is estimated to be \$82,900 from transportation aid to reimburse districts at \$.25 per mile for family transportation.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Tom Decker	Agency:	Public Instruction
Phone Number:	328-2267	Date Prepared:	01/10/2001

Date: 2/7/01
Roll Call Vote #: (

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1188

House House Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number 17159.0101

Action Taken Do Not Pass As Amendment

Motion Made By Rep. Brusegaard Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson	✓	
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meier	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 15 Click here to type Yes Vote No 0 Click here to type No Vote

Absent 0

Floor Assignment Click here to type Floor Assignment Rep. Meier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1188: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

Page 3, line 7, replace "The state shall" with "Except for family transportation, the state may"

Page 3, line 16, after "provide" insert "or pay the cost of"

Page 3, line 18, after "providing" insert "or paying the cost of"

Page 4, line 29, replace "A" with "Except for family transportation, a"

Page 5, line 8, after "provide" insert "or pay the cost of"

Page 5, line 10, after "providing" insert "or paying the cost of"

Renumber accordingly

2001 TESTIMONY

HB 1188

2001 TESTIMONY

HB 1188

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1188

Page 3, line 8, after the period insert:

However, this subsection does not apply to reimbursement for family transportation.

Page 3, line 16, after provide insert:

or pay the cost of

Page 3, line 18, after providing insert:

or paying the cost of

Page 4, line 30, after the period insert:

However, this subsection does not apply to reimbursement for family transportation.

Page 5, line 8, after provide insert:

or pay the cost of

Page 5, line 10, after providing insert:

or paying the cost of

Renumber accordingly

**TESTIMONY ON HB 1188
HOUSE EDUCATION COMMITTEE**

January 23, 2001

By Tom Decker, Director of Finance and Organization

328-2267

Department of Public Instruction

I am here to speak in support of House Bill 1188.

The issue on which my office receives the most calls are from parents over the course of the year is student transportation. In the vast majority of cases, those calls have to do with the length of times that students are on the bus getting to school and home from school. As North Dakota's public school enrollment continues to decline, most particularly in rural areas, and as school districts become larger there has been a tendency for bus routes and bus rides to get longer. Clearly, for many North Dakota parents, the issue of ride time to and from school is an educational quality issue of consequence. I believe it is time for the legislature to deal with the issue in more specific ways than we have up to this point.

I am frequently asked by parents if there is a state law or rule on how long a bus ride can be. Clearly, those parents are looking for some kind of guidance or standard to ensure that their student will not be on bus for an unacceptably long period of time getting to school or home from school.

HB 1188 deals with this issue and clarifies a number of other issues related to transportation. On page 1 of the bill, at lines 17 and 18, language is put into the statute which institutionalizes the advice and practice of our office regarding transportation since I came to the job in 1989 – that is that payments for family transportation may not be made for miles that are on a school bus route.

On page 2, at lines 27-29, there is proposed change in the reimbursement rate for family transportation from the current 40 cents per mile one way to 25 cents per mile round trip. As an example, if a family lives 20 miles from school and is paid under the current family transportation statute they would be eligible to receive 40 cents per mile for 18 miles or \$7.20 a day. In order to bring their child to school and pick them up and take them home after school, this family would travel 80 miles per day. The change would allow that family to receive \$20 per day in transportation reimbursement.

We hear from district administrators in growing number of cases that the number of students that they pick up on routes is declining. In particular the number of students in a particular direction from school may be down to 1 family. We believe that there is a growing need for family transportation. However, we are also sure that at the current rate reimbursement rate that it would be impossible to encourage families to undertake the expense of transporting their students to school. We believe the change will encourage more families to consider helping school districts out by transporting their students either to school or to a bus route.

The next change is on page 3, at lines 7 and 8. The language provides a one-hour limit to the length of ride time. I have an amendment to this section attached to my testimony that will exempt family transportation from this ride time limit. With this amendment, this language will only apply to bus rides and ride time will be measured from the time the first student got on the bus until they got to school.

The next change is in Section 3, at lines 16-20. The purposed new language here requires a couple of additional words as well. The language should read, "The school district of residence shall provide (or pay the cost)

of transportation to the admitting school district." Several years ago we began to require districts that did not provide all grade level services to pay tuition for their students to attend school in other districts. We should have included a requirement for transportation payment at that time since that is also a legitimate cost for a resident who is sending students out to other districts. Members of the committee, the rest of the bill is a repeat for purposes of 15.1, the title revision.

Dr. Ken Nygard from North Dakota State University is here today for the purpose of demonstrating to you that it is infact possible anywhere in North Dakota to get students to and from school in one hour or less. If there are questions, I would be happy to answer them; but you may want to wait with questions until after Dr. Nygard's presentation.