

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1188

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to amend and reenact section 15-34.2-03, 15-40.1-16, and subsection 2 of
2 section 15-40.2-01 of the North Dakota Century Code or in the alternative to amend and
3 reenact section 15.1-27-26, subsection 2 of section 15.1-29-03, and section 15.1-30-02 of the
4 North Dakota Century Code, relating to school district transportation.

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

6 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
7 15-34.2-03 of the 1999 Supplement to the North Dakota Century Code is amended and
8 reenacted as follows:

9 **15-34.2-03. Transportation - Payment optional with school board.** The school
10 board of any school district in the state may pay to each family living more than two miles
11 [3.22 kilometers] from a school in the district which is taught the required length of time, a
12 reasonable sum per day for each day's attendance of a student or students of such family,
13 when transported by an adult member of the family or by a conveyance furnished or paid for by
14 the family, or when the family has paid for lodging for the child, according to the distance
15 between the home of the family and the school. Such distance must be measured by the route
16 from the front door of the school attended to the front door of the family's residence according
17 to the most convenient public course of travel. Payments for transportation under this section
18 may not be made for miles traveled which are on the school district's schoolbus route.

19 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section
20 15-40.1-16 of the 1999 Supplement to the North Dakota Century Code is amended and
21 reenacted as follows:

22 **15-40.1-16. Aid for transportation.**

23 1. There must be paid from state funds to each school district providing schoolbus
24 transportation in contract schoolbuses or in district-owned and operated

schoolbuses, and to school districts with students riding commercial buses to and from school, the following amounts:

- a. For schoolbuses and school vehicles transporting students who live outside the incorporated limits of the city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers] for vehicles having a capacity of nine or fewer students and sixty-seven cents per mile [1.61 kilometers] for schoolbuses having a capacity of ten or more students and for schoolbuses and school vehicles transporting students who live within the incorporated limits of a city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers]. School districts qualifying for payments for buses having a capacity of ten or more students are entitled to an amount equal to forty cents per day for each public school student living outside the city limits who is transported in such buses.
- b. For students who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city within which the school that the students attend is located, a sum equal to twenty cents per student per one-way trip.

The mileage payments provided for in this subsection must be made to each school district for transporting students to and from school. Payments may be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to compliance with the laws of this state in regard to schoolbuses and their drivers must be made in such manner and detail as the superintendent of public instruction may require at the time an application is made for payments provided under this subsection.

2. For students transported by family transportation in accordance with section 15-34.2-03, the state shall reimburse school districts ~~in an amount determined by using the rate of forty~~ twenty-five cents per ~~day for each~~ mile [1.61 kilometers] ~~over two miles [3.22 kilometers] according to~~ for the distance between the student's home and the school. Such distance must be measured by the route from the front door of the school attended to the front door of the family's residence

according to the most convenient public course of travel. Payments may not be made for the miles traveled which are on the school district's schoolbus route.

3. The superintendent of public instruction shall develop, and require that school districts use, a uniform cost accounting system to calculate and administer the reimbursement provided for in this section. The superintendent shall prepare all forms and statements necessary for a school district to apply for the same.
4. Except for family transportation, the state may not reimburse school districts for the transportation of students whose one-way schoolbus route lasts longer than one hour.

SECTION 3. AMENDMENT. If House Bill No. 1045 does not become effective, subsection 2 of section 15-40.2-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. If a school district does not provide educational services to an entire grade level, the students in that grade level may attend school at a public school of their choice, outside their district of residence without going through the procedures outlined in section 15-40.2-05. The school district of residence shall pay tuition to the admitting school district. The school district of residence shall provide or pay the cost of transportation to the admitting school district. However, the school district of residence is not responsible for providing or paying the cost of transportation beyond the distance from the student's home to the nearest school that offers the grade-level services needed by the student. For purposes of determining whether educational services are provided to an entire grade level, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district.

SECTION 4. AMENDMENT. Section 15.1-27-26 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

15.1-27-26. School district transportation of students - Payments.

1. Each school district providing transportation to students in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students

riding commercial buses to and from school is entitled to receive the following amounts:

- a. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of nine or fewer students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
- b. Sixty-seven cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of ten or more students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
- c. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle transporting students who reside within the incorporated limits of a city in which the students' school is located.
- d. Twenty cents for each one-way trip by a student who rides a schoolbus or a commercial bus to or from school and who resides within the incorporated limits of the city in which the student's school is located.

2. A school district that is entitled to payments for a schoolbus having a capacity of ten or more students is also entitled to receive forty cents per day for each public school student who resides outside the city limits and who is transported in such a bus.

3. Only a school district abiding by the laws of this state with respect to schoolbus standards and schoolbus driver qualifications, as determined by the superintendent of public instruction, may receive payments under this section.

4. For each student transported by family transportation in accordance with section 15.1-30-02, a school district is entitled to receive ~~forty~~ twenty-five cents per ~~day~~ for each mile [1.61 kilometers] over two miles [3.22 kilometers] measured from the front door of the school attended by the student to the front door of the student's residence, according to the most convenient route of public travel. A school district may not receive payment for the miles traveled which are on the school district's schoolbus route.

- 1 5. Except for family transportation, a school district is not entitled to receive
2 payments for the transportation of students whose one-way schoolbus route lasts
3 longer than one hour.

4 **SECTION 5. AMENDMENT.** Subsection 2 of section 15.1-29-03 of the North Dakota
5 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
6 assembly, is amended and reenacted as follows:

- 7 2. If a district does not provide educational services to an entire grade level, the
8 students in that grade level may attend a public school of their choice outside their
9 district of residence without going through the procedures outlined in section
10 15.1-29-05. The school district of residence shall pay tuition to the admitting
11 district. The school district of residence shall provide or pay the cost of
12 transportation to the admitting school district. However, the school district of
13 residence is not responsible for providing or paying the cost of transportation
14 beyond the distance from the student's home to the nearest school that offers the
15 grade-level services needed by the student. For purposes of determining whether
16 educational services are provided to an entire grade level, districts cooperating
17 with each other in the joint provision of educational services under a plan approved
18 by the superintendent of public instruction are considered to be a single district.

19 **SECTION 6. AMENDMENT.** Section 15.1-30-02 of the North Dakota Century Code as
20 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
21 amended and reenacted as follows:

22 **15.1-30-02. Transportation payments - Board option.**

- 23 1. The board of a school district in the state may pay to the parent of each student
24 who resides more than two miles [3.22 kilometers] from the public school which the
25 student attends a reasonable sum per day for each day the student attends the
26 school, provided:
- 27 a. The student is transported to school by an adult member of the student's
28 family;
- 29 b. The student's transportation is provided in a vehicle furnished by the student's
30 parent;
- 31 c. The student's transportation is paid for by the student's parent; or

- 1 d. The cost of providing meals and lodging for the student at a location other
- 2 than the student's residence is assumed by the student's parent.
- 3 2. The board shall calculate the payment provided for in this section according to the
- 4 distance between the front door of the student's residence and the front door of the
- 5 school attended by the student, using the most direct public route.
- 6 3. Payments for transportation under this section may not be made for miles traveled
- 7 which are on the school district's schoolbus route.