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Prepared by the Legislative Council  
staff for Senator Schaible  
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Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**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 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 section 15.1-31-05 of the North Dakota Century Code, relating to open enrollment  
4 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,  
5 and 15.1-27-31.1 of the North Dakota Century Code, relating to payments for school district  
6 transportation of students, special education students, and career and technical education  
7 students, the distribution of transportation payments in the event of school district closure, and  
8 state transportation payments to school districts.

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

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

12 **Transportation average daily membership equivalents converted to weighted student**  
13 **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;

Sixty-ninth  
Legislative Assembly

- 1        b. 0.00052 multiplied by the number of eligible small bus miles;
- 2        c. 0.01 multiplied by the number of eligible large bus runs;
- 3        d. 0.00468 multiplied by the number of eligible small bus runs;
- 4        e. 0.012 multiplied by the number of square miles in the school district;
- 5        f. 2.0 multiplied by the number of educational school plants within the school district
- 6           boundary; and
- 7        g. 0.00025 multiplied by the number of eligible miles transported by a student's
- 8           family and reimbursed by the school district.
- 9        2. The superintendent of public instruction shall determine each school district's total
- 10       transportation average daily membership equivalent by adding the products derived
- 11       under subsection 1 and then multiplying the total transportation average daily
- 12       membership equivalent by ~~0.40~~ 0.091 to determine the school district's weighted student
- 13       unit equivalent.
- 14       3. Subject to legislative appropriation, the superintendent of public instruction shall pay
- 15       each school district providing school bus transportation in contract schoolbuses, or in
- 16       district-owned and operated schoolbuses, an amount equal to the school district's
- 17       weighted student unit equivalent multiplied by the per student payment rate for the
- 18       applicable school year in subsection 3 of section 15.1-27-04.1.
- 19       4. To be eligible, school districts must certify compliance with state law relating to
- 20       schoolbus standards and school vehicle driver requirements. The superintendent of
- 21       public instruction may adopt rules governing certification of compliance under this
- 22       subsection.
- 23       5. Each year, the superintendent of public instruction shall determine the school district's
- 24       transportation average daily membership equivalent based on the latest available
- 25       miles and runs. Eligible miles and runs include miles and runs transporting eligible
- 26       students to and from:
- 27           a. School, including miles students are transported by family transportation in
- 28           accordance with section 15.1-30-02;
- 29           b. Special education programs approved by the superintendent of public instruction,
- 30           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 5; 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 plan that requires the student attend a public or  
12                   nonpublic school located outside the student's school district of residence; and  
13           c. Be transported by an adult family member in family provided transportation  
14                   reimbursed by the school district for no more than two round trips per day  
15                   between the home of the student and the school.
- 16       7. If a school district ceases to exist, the superintendent of public instruction shall adjust,  
17           in the first year after closure, the transportation average daily membership equivalents  
18           of each school district in the state which enrolls students who attended the former  
19           school. The superintendent of public instruction shall determine the transportation  
20           average daily membership equivalents the former school district would have been  
21           entitled to for providing transportation services during the school district's final year of  
22           operation and shall prorate those transportation average daily membership  
23           equivalents to each enrolling school district based on the number of students enrolled  
24           from the former school. Transportation average daily membership equivalents of the  
25           enrolling school districts after the first year will be based on reported transportation  
26           average daily membership equivalents.
- 27       8. This section does not apply to miles and runs:
- 28           a. Incurred in providing transportation for students to attend extracurricular activities  
29                   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 15.1-31-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **15.1-31-05. Open enrollment - Transportation.**

9           A school district of residence may provide transportation to a student participating in open  
10 enrollment. If a district of residence does not provide transportation to a student participating in  
11 open enrollment, transportation may be provided by the admitting district. A school district may  
12 not ~~receive transportation aid disbursements under subdivision a of subsection 1 of section~~  
13 ~~15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for~~ include any factors associated with  
14 transporting students who are participating in open enrollment, or who are enrolled pursuant to  
15 a written contract entered by the sending and admitting districts which waives the charge and  
16 collection of tuition for the student in the calculation of transportation average daily membership  
17 equivalents under section 2 of this Act.

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