

**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 sections 15.1-27-03.1 and 15.1-31-05 of the North Dakota Century Code, relating to the  
4 determination of weighted average daily membership and open enrollment transportation; and  
5 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  
6 the North Dakota Century Code, related to payments for school district transportation of  
7 students, special education students, and career and technical education students, the  
8 distribution of transportation payments in the event of school district closure, and state  
9 transportation payments to school districts.

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

11 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **15.1-27-03.1. Weighted average daily membership - Determination.**

- 14 1. For each school district, the superintendent of public instruction shall multiply by:
- 15 a. 1.00 the number of full-time equivalent students enrolled in an extended  
16 educational program in accordance with section 15.1-32-17;
- 17 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
18 program, including a migrant summer education program;
- 19 c. 0.40 the number of full-time equivalent students who:
- 20 (1) On a test of English language proficiency approved by the superintendent of  
21 public instruction are determined to be least proficient and placed in the first  
22 of six categories of proficiency; and
- 23 (2) Are enrolled in a program of instruction for English language learners;
- 24 d. 0.28 the number of full-time equivalent students who:

- 1                   (1) On a test of English language proficiency approved by the superintendent of  
2                   public instruction are determined to be more proficient than students placed  
3                   in the first of six categories of proficiency and therefore placed in the second  
4                   of six categories of proficiency; and
- 5                   (2) Are enrolled in a program of instruction for English language learners;
- 6                   e. 0.25 the number of full-time equivalent students under the age of twenty-one  
7                   enrolled in grades nine through twelve in an alternative high school;
- 8                   f. 0.20 the number of full-time equivalent students enrolled in a home-based  
9                   education program and monitored by the school district under chapter 15.1-23;
- 10                  g. 0.17 the number of full-time equivalent students enrolled in an early childhood  
11                  special education program;
- 12                  h. 0.15 the number of full-time equivalent students in grades six through eight  
13                  enrolled in an alternative education program for at least an average of fifteen  
14                  hours per week;
- 15                  i. 0.10 the number of students enrolled in average daily membership, if the district  
16                  has fewer than one hundred students enrolled in average daily membership and  
17                  the district consists of an area greater than two hundred seventy-five square  
18                  miles [19424.9 hectares], provided that any school district consisting of an area  
19                  greater than six hundred square miles [155399 hectares] and enrolling fewer than  
20                  fifty students in average daily membership must be deemed to have an  
21                  enrollment equal to fifty students in average daily membership;
- 22                  j. 0.088 the number of students enrolled in average daily membership, in order to  
23                  support the provision of special education services;
- 24                  k. 0.07 the number of full-time equivalent students who:
- 25                   (1) On a test of English language proficiency approved by the superintendent of  
26                   public instruction are determined to be more proficient than students placed  
27                   in the second of six categories of proficiency and therefore placed in the  
28                   third of six categories of proficiency;
- 29                   (2) Are enrolled in a program of instruction for English language learners; and
- 30                   (3) Have not been in the third of six categories of proficiency for more than  
31                   three years;

- 1           l. 0.025 the number of students representing that percentage of the total number of  
2           students in average daily membership which is equivalent to the three-year  
3           average percentage of students in grades three through eight who are eligible for  
4           free or reduced lunches under the Richard B. Russell National School Lunch Act  
5           [42 U.S.C. 1751 et seq.];
- 6           m. 0.002 the number of students enrolled in average daily membership in a school  
7           district that is a participating member of a regional education association meeting  
8           the requirements of chapter 15.1-09.1;
- 9           n. 1.0 the number of students by which the district's September tenth enrollment  
10          report exceeds the number of students in the prior year's average daily  
11          membership; and
- 12          o. For districts paid based on September tenth enrollment in the prior year, 1.00 the  
13          number of students determined by deducting the number of students in the prior  
14          year's September tenth enrollment from the prior year's average daily  
15          membership. If the prior year's September tenth enrollment exceeds the prior  
16          year's average daily membership, then a deduction of 1.00 the number of excess  
17          students; and
- 18          p. 1.0 the weighted student unit equivalent related to transportation determined in  
19          subsection 2 of section 2 of this Act.
- 20          2. The superintendent of public instruction shall determine each school district's weighted  
21          average daily membership by adding the products derived under subsection 1 to the  
22          district's average daily membership.

23          **SECTION 2.** A new section to chapter 15.1-27 of the North Dakota Century Code is created  
24          and enacted as follows:

25          **Transportation average daily membership equivalents converted to weighted student**  
26          **unit equivalents - Determination.**

- 27          1. The superintendent of public instruction shall determine transportation average daily  
28          membership equivalents for eligible school districts providing schoolbus transportation  
29          in contract schoolbuses, or in district-owned and operated schoolbuses, and for  
30          eligible school districts with students riding commercial buses to and from a school

- 1           within the incorporated limits of a city. Transportation average daily membership  
2           equivalents must be determined as follows:
- 3           a.   0.0011 multiplied by the number of eligible large bus miles;  
4           b.   0.00052 multiplied by the number of eligible small bus miles;  
5           c.   0.01 multiplied by the number of eligible large bus runs;  
6           d.   0.00468 multiplied by the number of eligible small bus runs;  
7           e.   0.012 multiplied by the number of square miles in the school district;  
8           f.   2.0 multiplied by the number of educational school plants within the school district  
9           boundary; and  
10          g.   0.00025 multiplied by the number of eligible miles transported by a student's  
11           family and reimbursed by the school district.
- 12          2.   The superintendent of public instruction shall determine each school district's total  
13           transportation average daily membership equivalent by adding the products derived  
14           under subsection 1 and then multiplying the total transportation average daily  
15           membership equivalent by 0.1 to determine the school district's weighted student unit  
16           equivalent.
- 17          3.   To be eligible, school districts must certify compliance with state law relating to  
18           schoolbus standards and school vehicle driver requirements. The superintendent of  
19           public instruction may adopt rules governing certification of compliance under this  
20           subsection.
- 21          4.   Each year, the superintendent of public instruction shall determine the school district's  
22           transportation average daily membership equivalent based on the latest available  
23           miles and runs. Eligible miles and runs include miles and runs transporting eligible  
24           students to and from:
- 25           a.   School, including miles students are transported by family transportation in  
26           accordance with section 15.1-30-02;  
27           b.   Special education programs approved by the superintendent of public instruction,  
28           regardless of whether the students transported live within the incorporated limits  
29           of the city in which the students' school is located, including miles students are  
30           transported by family transportation pursuant to subsection 5; and

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

1       8. The superintendent of public instruction may adopt rules relating to information  
2           reported by school districts and reporting deadlines.

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

5       **15.1-31-05. Open enrollment - Transportation.**

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

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