

Public School Transportation 101

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Is transportation required?

It depends...

- ❑ Public schools in ND *may*, but are generally not required to provide transportation to students
- ❑ NDCC chapter 15.1-30 (Transportation of Students)
- ❑ HOWEVER, may be required as a related service under an IEP

Transportation of Students – NDCC 15.1-30-01

- A school board **may** provide for the transportation of a student to and from school
- OR if acceptable to parents, **may** reimburse parents for expenses incurred in providing meals and lodging to student outside student's home
- Parent receiving payments under this section not eligible for payments under NDCC 15.1-30-02



Transportation of Students

- May also provide transportation by public transit – but must establish eligibility criteria based on minimum distance between home and school applied equally to all students
- Benefits under NDCC 15.1-30-01 available even if student transported to another school district or outside the state
- If not reorganized, school board **may charge a fee** for the provision of schoolbus transportation to students
- School district to which a nonoperating district is attached must provide transportation to students residing within boundaries of attached land in same manner as transportation is provided to district students

Transportation Payments to Parents (NDCC 15.1-30-02)

- School boards **may** make transportation payments to parents of students who reside more than 2 miles from the public school which the student attends
- May pay a *reasonable* sum per day for each day the student attends school provided:
 - The student is transported to school by an adult member of student's family;
 - The student's transportation is provided in a vehicle furnished by parents;
 - The student's transportation is paid for by the student's parent; OR
 - The cost of providing meals and lodging for the student at a location other than the student's residence is assumed by the parent(s).

More on Transportation Payments to Parents

- Payment calculated according to distance from front door of home to front door of school using most direct route
- Parents receiving payments under this section not eligible to receive payments under NDCC 15.1-30-01 (previous slide)
- To receive payment, eligible parent must submit a written request before June 30th each year – if not, payment is WAIVED

How is it funded?

A few notes on transportation funding...

- 2019 Legislative Session – state transportation funding incorporated into NDCC chapter 15.1-27
- “Subject to legislative appropriation”
- Districts are reimbursed for a portion of their transportation costs from ND DPI (no more than 90% of the actual costs incurred for the transportation of students)
- DPI cannot distribute more than $\frac{1}{2}$ of amount appropriated for any biennium in the first year of the biennium

A bit more on transportation funding

- NDCC 15.1-27-26.1
- “Subject to legislative appropriation”
- Available to schools transporting students in district-owned and operated, contract, or in commercial buses
- 52 cents per mile (capacity of fewer than 10 students)
- \$1.11 per mile (capacity of ten or more students)
- 33 cents per one-way trip for each student transported
- 50 cents per mile one-way for each mile over two miles for students transported by family transportation (NDCC 15.1-30-02)
- DPI to use latest available student enrollment count
- No reimbursement for transportation of students to attend extracurricular activities or events

Even more on transportation funding...

- Must comply with schoolbus standards and school vehicle driver requirements to receive reimbursement (must certify!)
- NDCC 15.1-27-27.1 – payments for transportation of special education students
 - Same rates as transporting general education students
 - Entitled to payments for all miles traveled and all students transported REGARDLESS of whether students transported live within incorporated limits of city
 - Reimbursement for parent-provided transportation to public or nonpublic school outside district of residence (see criteria in NDCC 15.1-27-27.1(3))
 - Payments may be made directly to multidistrict special education unit
- NDCC 15.1-27-28.1 – payments for transportation of CTE students
- NO reimbursement for students participating in open enrollment or enrolled through a tuition waiver (NDCC 15.1-31-05).

Transportation Contracts

Bids, Contracts, and Bonds

- Specific requirements for districts who contract for transportation services (see NDCC chapter 15.1-30)
- Before the beginning of each school year, board must provide notice of intent to contract
- Must publish in official newspaper notice of time and place for submission of sealed bids at least 10 days before date of submission (except as provided in NDCC 15.1-30-11)
- If transportation vehicle(s) is privately owned, duration of the contract may not exceed seven years (original and renewed??)

Notice of Intent to Contract

Notice must:

- ✓ Include route(s) to be covered by each contract;
- ✓ Provide that board reserved right to reject any and all bids;
- ✓ Provide that each successful bidder must submit separate envelope with a bond in an amount set by board (at least \$500);
- ✓ Provide that bond must be conditioned on faithful performance of contract; and,
- ✓ Provide that any bids submitted name the individual(s) who will operate the vehicle(s) and describe the vehicle(s)

Required Provisions of Transportation Contract

- NDCC 15.1-30-08
- Transportation contract must:
 - Provide that no vehicle other than that described in contract may be used except if authorized in writing by board
 - Provide that only individual named in contract may operate vehicle except if authorized in writing by board
 - Include transportation routes that were established by board and to be covered by transportation provider
 - Set compensation
 - Describe process of equitable adjustment of compensation will be determined and paid if change in routes becomes necessary
- ND DPI has a standard form contract 🤪
- Recommend you have legal counsel review contract

Awarding of Contract for Transportation

- Except as provided in NDCC 15.1-30-11, shall let contract to lowest responsible bidder who:
 - Furnishes bond approved by board
 - Agrees to use a vehicle which meets standards set by ND law and which is safe, comfortable and suitable
 - Identifies individuals who are competent and responsible to serve as drivers
- Board may NOT enter into a transportation contract with individual board member
- Board member may serve as driver under contract

More on Transportation Contracts

- If an emergency or unforeseen event, school board president may waive provisions of contract regarding vehicles and individuals.
- Waiver is valid only until next meeting of board
- Contract may be assigned to a different party only upon written authorization by board

Renewal of Transportation Contracts

- If a contract was original bid by and let to a contractor, the contract may be renewed through (1) direct negotiation; or (2) upon sealed bids
- If through direct negotiation:
 - Publish notice in official newspaper at least 30 days before date of renewal
 - Make a good-faith effort to obtain at least 2 written quotations for contract (must keep on file for at least one year)

More on Renewal of Transportation Contracts

- If any written quotes are received, board may directly negotiate provided:
 - Board conducts public meeting regarding contract;
 - Board provides at least 7 days' notice of public meeting regarding contract by publication in official newspaper; and,
 - The public is given an opportunity to appear and comment at public meeting.
- All terms of the contract must be negotiated and agreed to at meeting

Transportation Odds & Ends

A Few Odds and Ends...

- Standards for Schoolbuses – ND Admin Code 67-12-01 (except as provided in that chapter, all public schoolbuses must meet minimum standards)
- Districts may extend bus routes into a bordering state to transport students provided superintendent of public instruction has entered a reciprocal contract under NDCC 15.1-29-02 (e.g., South Dakota)
- Transportation of non-public students permitted provided:
 - Transported only along bus routes established for public school students
 - Only on days and at times public school students transported
 - Legal passenger capacity is not exceeded

Questions?