

SENATE BILL NO. 2169

Introduced by

Senators Cook, Christenson, Freborg

Representatives Delmore, R. Kelsch, Monson

1 A BILL for an Act to amend and reenact section 15.1-09-36 of the North Dakota Century Code,
2 relating to student fees for the use of musical instruments.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-09-36 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-09-36. School board - Authority over student fees.**

- 7 1. A school board may:
- 8 a. Require that a student pay a security deposit for the return of textbooks,
9 materials, supplies, or equipment.
 - 10 b. Assess a student a use charge if a textbook or other item covered under
11 subsection 1 has received undue wear.
 - 12 c. Require that a student furnish personal or consumable items.
 - 13 d. Require that a student pay an admission fee or other charges for
14 extracurricular or noncurricular activities if the student's attendance is
15 optional.
 - 16 e. Require that a student pay a fee or a premium for any authorized student
17 health and accident benefit plan.
 - 18 f. Require that a student pay a fee for personal athletic equipment and apparel;
19 provided the board shall allow a student to use the student's own equipment
20 and apparel if it meets reasonable health and safety standards established by
21 the board.
 - 22 g. Require that a student pay a fee in any program which generates a product
23 that becomes the personal property of the student.

- 1 h. Require that a student pay a fee for behind-the-wheel driver's education
- 2 instruction.
- 3 i. Require that a student pay a fee for goods, including textbooks, and services
- 4 provided in connection with any postsecondary level program or any program
- 5 established outside regular elementary, middle school, or secondary school
- 6 programs, including vocational and technical programs, and adult or
- 7 continuing education programs.
- 8 j. Require that a student pay a fee for the use of a musical instrument owned or
- 9 rented by the school district, provided that the total fee payable by the student
- 10 for a school year does not exceed the annual rental cost to the district or the
- 11 annual depreciation plus actual maintenance cost for the instrument.
- 12 k. Require that a student pay any other fees and charges permitted by statute.
- 13 2. A board may waive any fee if a student or the student's parent or guardian is
- 14 unable to pay the fee.
- 15 3. A board may not deny or abridge a student's rights or privileges, including the
- 16 receipt of grades and diplomas, because of the nonpayment of fees. A board,
- 17 however, may withhold a student's diploma for failure to pay for costs incurred by
- 18 the student's own negligence or choice, including fines for damaged textbooks and
- 19 school equipment, library fines, and materials purchased from the school at the
- 20 option of the student.
- 21 4. This section does not preclude the operation of a school store where students may
- 22 purchase school supplies and materials.
- 23 5. If a board charges fees not authorized by law and refuses to discontinue the
- 24 charges when directed to do so by the superintendent of public instruction, the
- 25 superintendent shall withhold the per student and transportation aid payments to
- 26 which the district is entitled for each student charged an unauthorized fee.