

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 prohibiting a school board from charging fees for textbooks and to student fees for  
3 the use of musical instruments.

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

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

7 **15.1-09-36. School board - Authority over student fees.**

8 1. A school board may not charge a fee for textbooks or other items necessary for  
9 completion of a specific course required for grade advancement or graduation.

10 2. A school board may:

11 a. Require that a student pay a security deposit for the return of textbooks,  
12 materials, supplies, or equipment.

13 b. Assess a student a use charge if a textbook or other item covered under  
14 subsection 1 has received undue wear.

15 c. Require that a student furnish personal or consumable items.

16 d. Require that a student pay an admission fee or other charges for  
17 extracurricular or noncurricular activities if the student's attendance is  
18 optional.

19 e. Require that a student pay a fee or a premium for any authorized student  
20 health and accident benefit plan.

21 f. Require that a student pay a fee for personal athletic equipment and apparel;  
22 provided the board shall allow a student to use the student's own equipment  
23 and apparel if it meets reasonable health and safety standards established by  
24 the board.

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