

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2169  
(Senators Cook, Christenson, Freborg)  
(Representatives Delmore, R. Kelsch, Monson)

AN ACT to amend and reenact section 15.1-09-36 of the North Dakota Century Code, relating to prohibiting a school board from charging fees for textbooks and to student fees for the use of musical instruments.

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

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

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

1. A school board may not charge a fee for textbooks or other items necessary for completion of a specific course required for grade advancement or graduation.
2. A school board may:
  - a. Require that a student pay a security deposit for the return of textbooks, materials, supplies, or equipment.
  - b. Assess a student a use charge if a textbook or other item covered under subsection 1 has received undue wear.
  - c. Require that a student furnish personal or consumable items.
  - d. Require that a student pay an admission fee or other charges for extracurricular or noncurricular activities if the student's attendance is optional.
  - e. Require that a student pay a fee or a premium for any authorized student health and accident benefit plan.
  - f. Require that a student pay a fee for personal athletic equipment and apparel; provided the board shall allow a student to use the student's own equipment and apparel if it meets reasonable health and safety standards established by the board.
  - g. Require that a student pay a fee in any program which generates a product that becomes the personal property of the student.
  - h. Require that a student pay a fee for behind-the-wheel driver's education instruction.
  - i. Require that a student pay a fee for goods, including textbooks, and services provided in connection with any postsecondary level program or any program established outside regular elementary, middle school, or secondary school programs, including vocational and technical programs, and adult or continuing education programs.
  - j. Require that a student pay a fee for the use of a musical instrument owned or rented by the school district, provided that the total fee payable by the student for a school year does not exceed the annual rental cost to the district or the annual depreciation plus actual maintenance cost for the instrument.
  - k. Require that a student pay any other fees and charges permitted by statute.

- ~~2.~~ 3. A board may waive any fee if a student or the student's parent or guardian is unable to pay the fee.
- ~~3.~~ 4. A board may not deny or abridge a student's rights or privileges, including the receipt of grades and diplomas, because of the nonpayment of fees. A board, however, may withhold a student's diploma for failure to pay for costs incurred by the student's own negligence or choice, including fines for damaged textbooks and school equipment, library fines, and materials purchased from the school at the option of the student.
- ~~4.~~ 5. This section does not preclude the operation of a school store where students may purchase school supplies and materials.
- ~~5.~~ 6. If a board charges fees not authorized by law and refuses to discontinue the charges when directed to do so by the superintendent of public instruction, the superintendent shall withhold the per student and transportation aid payments to which the district is entitled for each student charged an unauthorized fee.

\_\_\_\_\_  
President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2169.

Senate Vote:    Yeas    46        Nays    0        Absent    1

House Vote:    Yeas    84        Nays    5        Absent    5

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State