

## **CHAPTER 15.1-09 SCHOOL BOARDS**

### **15.1-09-01. School board membership - Size and term adjustments.**

1. The board of a school district must be composed of five, seven, or nine members.
2. The size of a school board may be increased to seven or nine members or decreased to seven or five members if a petition is signed by qualified electors of the school district equal in number to at least one-third of those who voted at the most recent annual school district election and the change is approved by a majority of the qualified electors of the school district voting on the question at a special election called for that purpose.
3. If a majority of the qualified voters in a school district elect to increase the size of the school board, the additional members must be elected to the board at the next annual school district election in the same manner as other board members.
  - a. If the total number of board members after approval of the increase is seven, the terms of three members extend until the first annual election, the terms of two members extend until the second annual election, and the terms of the remaining two members extend until the third annual election.
  - b. If the total number of board members after approval of the increase is nine, the terms of three members extend until the first annual election, the terms of three members extend until the second annual election, and the terms of the remaining three members extend until the third annual election.
  - c. The length of the terms specified in this subsection must be determined by lot.
  - d. All board members shall serve for the terms specified in this subsection and until their successors are elected and qualified.
  - e. The length of any term in existence before the increase in board membership and held by a board member who is duly qualified may not be modified.
  - f. Terms subsequent to the first term are for the normal period of three years and extend until a successor is elected and qualified.
4. The voters of a school district shall elect school board members at large. If, however, the district has been reorganized, board members may be elected at large, by geographical area, or at large by geographical area.
5. An election on a reorganization proposal takes the place of the petition and election requirements of this section. Approval of the reorganization proposal has the same effect as if the approval were by the election provided for in this section.
6. If the qualified electors of a district approve a reduction in the size of the school board, the excess number of members will serve out existing terms until the number approved by the electors has been reached.
7. If the board of a school district has elected to convert its members' terms to four years and has also increased the number of its board members, the board by lot or by some other random selection method shall provide for a combination of initial terms of office not to exceed four years for the new members. The combination must equalize to the greatest extent possible the number and length of terms for old board members and for new members to be elected during the next three election years. The members' terms must be staggered and must expire in even-numbered years.

#### **15.1-09-01.1. School board membership - Prohibition.**

If a tribal government has prescribed by tribal law or resolution qualifications for eligibility for public office relating to criminal convictions which are more restrictive than the laws of this state, the qualifications for eligibility for membership of a public school board of a school district located on tribal land may not be less restrictive than the qualifications for eligibility prescribed by tribal law or resolution for public office relating to criminal convictions. For purposes of this section, "tribal land" means that portion of the land within the exterior boundaries of an Indian reservation which is located in the state.

**15.1-09-02. School boards - Terms of office.**

The term of each elected member of a school board is three years, except when the member is completing the unexpired term of another. The term of office for a school board member begins at the annual meeting in July following the member's election and continues until a successor is elected and qualified.

**15.1-09-03. School boards - Changes in terms of office.**

1. A school board by resolution may change the terms of office for its members from three to four years. The resolution must provide that upon the expiration of each member's current three-year term, the term of office for that position on the board will become four years. The resolution may provide for the conversion of one position to a two-year term and, thereafter, to a four-year term. If the resolution so provides, the term must be chosen by lot. If as a result of an extension to four years a term would conclude in an odd-numbered year, the resolution must provide for one transitional three-year term before the four-year term commences.
2. If a school board changes its terms of office as provided for in this section:
  - a. References in this title to annual elections mean biennial elections when applied to the board; and
  - b. The election held pursuant to section 15.1-09-31 must be held in even-numbered years.
3. A school board that has converted the terms of its members to four years may revert to three-year terms by passing a resolution providing for the reversion. When the four-year term of each board member holding office on the date of the resolution's passage expires, the term of office for that position becomes three years.

**15.1-09-04. Rural members of school board - Definitions.**

1. Except as provided in subsection 2:
  - a. At least two members of a school board must be rural members if a district contains six or more sections of land, has a city within its boundaries, and a district population of two thousand or fewer.
  - b. At least one member of a school board must be a rural member if a district contains six or more sections of land, has within its boundaries a city of more than two thousand but fewer than fifteen thousand, and has at least twenty-five families residing on farms outside the corporate limits of the city but within the district and sending children to school in the district.
  - c. If the taxable valuation of agricultural property in the rural area of a district containing a city is greater than the taxable valuation of the urban area, the majority of the members of the school board must be rural members.
  - d. If the variance in population between the geographic voting areas of a school district is greater than ten percent, all qualified voters in the district may vote for each school board candidate.
2. A reorganization plan under chapter 15.1-12 may provide for school board membership requirements that are different from those in subsection 1.
3. For purposes of this section, a rural school board member is one who resides on a farm outside the corporate limits of a city or one who resides within a city that according to the latest federal census has a population of two hundred or fewer and is located within a district that has four or more incorporated cities.
4. For purposes of this section:
  - a. "Agricultural property" means property located outside the limits of an incorporated city and zoned agricultural.
  - b. "Rural" means outside the limits of an incorporated city.

**15.1-09-05. School board - Vacancies - Appointments.**

1. The business manager of a school district shall notify the county superintendent that a vacancy exists on the school board.

2. The board of a school district shall fill by appointment or special election any vacant seat on the board. The term of an individual selected by appointment or special election to fill a vacancy extends until a successor is elected and qualified at the next annual election. If a school board fails to fill a vacancy by appointment or fails to call a special election to fill a vacancy within sixty days from the time the vacancy occurred, the county superintendent shall call a special election to fill the vacancy. The election must be conducted in the same manner as the annual school district election.
3. If a vacancy reduces the membership of a school board to less than a quorum, the state board of public school education shall appoint to the school board as many individuals as necessary to achieve a quorum. The school board then shall fill the remaining vacancies. After the vacancies have been filled, any individual appointed by the state board shall resign and the school board shall fill the vacancy in accordance with this section. After resigning, the individual who had been appointed by the state board may be reappointed by the school board to fill the vacancy.
4. A vacancy may be declared for any reason set forth in section 44-02-01.
5. The business manager shall certify any appointment made under this section to the county superintendent of schools.

#### **15.1-09-06. School board members - Compensation.**

Each school board shall set a level of compensation for services payable to its members. In addition to compensation for services, each member may be reimbursed for all necessary meals and lodging and travel expenses actually incurred while engaged in official business of the board, at the same rate as provided for state officers and employees. Any mileage claimed may not exceed the number of miles [kilometers] between the points traveled as measured by the most usual route.

#### **15.1-09-06.1. School board membership - Suspension.**

Upon the filing of a petition under chapter 44-11 for removal by the governor, the governor, in consultation with the superintendent of public instruction, may suspend a member of a school board pending the results of an audit in accordance with section 54-10-15.

#### **15.1-09-07. School district election - Conduct.**

Unless otherwise provided by law, a school district election must be conducted and the votes must be canvassed in the same manner as in the election of county officers.

#### **15.1-09-08. School district elections - Candidate filings.**

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether or not the election is held in conjunction with a statewide election, all statements of interest must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall also file a campaign contribution statement as required by section 16.1-08.1-02.3.

#### **15.1-09-09. School district elections - Notice.**

Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline must be published in the official newspaper of the city or county. At least fourteen days before the date of an annual or special school district election, the school board shall publish a notice in the official newspaper of the district stating the time and place of the election and the purpose of the vote. If a school board agrees to hold the election in conjunction with a primary election, the deadline for giving notice of the school district election and the purpose of the vote must meet the publishing requirements of the county. The governing body of the city of Fargo shall publish notice with respect to Fargo school district elections.

**15.1-09-10. School district elections - Form of notice.**

A notice for the election of school board members must state the purpose for the election, the date of the election, and the time at which the polls will open and close.

**15.1-09-11. School district elections - Preparation of ballots.**

1. At least forty days before the election, the business manager shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all individuals who have indicated their intent to be candidates by meeting the provisions of section 15.1-09-08. The business manager shall notify the candidates as to the time and place of the drawing for position on the ballot.
2. The ballot must be nonpartisan in form and include:
  - a. The words "official ballot" at the top;
  - b. The name of the school district;
  - c. The date of the election;
  - d. The number of persons to be elected to each office; and
  - e. Below the list of candidates for each office, blank spaces in which names not printed on the ballot may be written.

**15.1-09-12. School district elections - Poll hours.**

The school board shall determine the time at which polls must open and close for school district elections. Polls may open at any time after seven a.m. and must be open by eleven a.m. Polls must remain open until seven p.m. and may remain open until eight p.m. In Fargo school district elections, polls must open and close at the times required for city elections.

**15.1-09-13. Election precincts - Polling places - Election officials.**

1. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible.
2. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more polling places for each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. Once established by the board, a polling place must remain a polling place for a precinct until it is changed by subsequent action of the board.
3. For school board elections not held in conjunction with county elections, the board shall appoint two election judges and two election clerks for each polling place. Before opening the polls, the judges and clerks shall take an affirmation or oath to perform their duties according to law and to the best of their ability. The affirmation or oath may be administered by any officer authorized to administer oaths or by any of the judges or clerks.
4. For school board elections held in conjunction with county elections, the county election boards shall administer the election in the same manner as the county or state election.

**15.1-09-14. School district election - Vote tally.**

Upon the closing of the polls, the judges shall count and canvass the votes for each office. At the conclusion of the canvass of votes on election night, the judges and clerks of the election shall sign the returns and file them with the business manager of the school district. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement.

**15.1-09-15. School district election - Declaration of winner.**

On the thirteenth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or

county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election.

**15.1-09-16. School district election - Tie breaker.**

If the election results in a tie, the business manager of the district shall notify, in writing, the candidates between whom the tie exists. Within three days after the canvass of the election by the school board, at a time agreed upon by the candidates, the election must be decided in the presence of the judges and clerks of the election, by a drawing of names. A candidate involved in a tie vote may withdraw the candidate's name from consideration if the candidate is willing to sign a statement to that effect in the presence of and witnessed by the filing officer of the election. If no candidates remain, the office is to be filled according to the rules of filling an office when a vacancy exists. The school district business manager shall make and keep a record of the proceedings.

**15.1-09-17. Notification of elected individuals - Notice to county superintendent of schools.**

Within three days after the canvass by the school board for a school district election, the business manager of the school district shall provide to each elected individual written notice of the individual's election and of the duty to take an affirmation or oath of office. Within ten days after the canvass by the school board, the business manager shall certify the individuals elected and their terms to the county superintendent of schools.

**15.1-09-18. School district election - Absentee ballots - Recounts.**

Absentee ballots must be available in any school district election in accordance with chapter 16.1-07. Section 16.1-16-01 applies to school district elections, except:

1. The members of the school board not subject to a recount and not disqualified under subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties of the recount board;
2. The school district business manager shall perform the duties of the county auditor when the election is not combined with the county;
3. The school board takes the place of the county canvassing board; and
4. All expenses of the recount must be paid as provided in section 15.1-09-21.

**15.1-09-19. Duties of election officials - Other applicable statutes.**

Sections 16.1-08.1-03.3, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

**15.1-09-20. Election officials - Compensation.**

Election officials at school district elections are entitled to receive compensation as provided for election officials in section 16.1-05-05. The board of a school district holding the election shall provide for the compensation from school district funds.

**15.1-09-21. School district elections - Expenses.**

A school district is responsible for the payment of all expenses incurred as a result of a school district election.

**15.1-09-22. School boards - Annual elections - Poll books.**

1. The board of a school district shall hold an election each year between April first and June thirtieth to fill all vacancies, including those caused by the expiration of terms of office.
2. Upon resolution of the school board, the annual election may be held in conjunction with the regular election of a city, as required by state law or by the home rule powers of the city, provided the city is located wholly or partially within the school district. The

school board may agree with the governing body of the city to share election costs and responsibilities, including those associated with election personnel, the printing of election materials, the publishing of legal notices, and the use of poll books.

3. If a school board holds its election in conjunction with a city, references in this chapter to the date of a school board election mean the date of the applicable city election.
4. If a school board holds its election in conjunction with a city and only one set of poll books is used, the set must reference the voter's eligibility to vote in the city election, in the school district election, or both.

**15.1-09-23. School boards - Special elections.**

In addition to the annual election, a special election may be held at any time and for any lawful purpose, if approved by the school board.

**15.1-09-24. School boards - Sharing of election expenses.**

If a school district election is held in conjunction with a primary election, the board of the school district may agree with the governing body of the county or counties in which the district is located to share election costs and responsibilities, including those associated with a canvassing board, election personnel, the printing of election materials, the publishing of legal notices, and the use of poll books. Each board of a school district that enters into an agreement with the county must notify the county auditor, in writing, at least sixty-four days before the election of the offices to be filled at the election and any measures to appear on the ballot.

**15.1-09-25. School board members - Affirmation or oath of office.**

An individual elected as a member of or appointed to a school board shall take and file with the school district business manager an affirmation or oath of office within ten days after receiving notice of the election or appointment and before commencing duties. If the individual refuses to take the affirmation or oath of office required by this section, the individual's action is deemed to be a refusal to serve and a failure to qualify for the office pursuant to section 44-02-01.

**15.1-09-26. Affirmation or oath of office - Administration.**

Any member of a school board may administer an affirmation or oath of office required of school board members, required of school district personnel, or required in any school-related matter.

**15.1-09-27. Organization of school board - Election of president.**

At the annual meeting, school board members shall elect from among themselves a president to serve for one year.

**15.1-09-28. School board president - Duties.**

The president shall preside at all meetings of the school board, appoint all committees subject to approval by the board, provide authorization for the issuance of negotiable instruments, and perform other acts required by law. A vice president may be elected by the board to serve in the absence of the president at any meeting.

**15.1-09-29. School board - Quorum - Majority vote.**

The board of a school district consists of the members elected according to the provisions of this chapter. A majority of the board constitutes a quorum. The agreement of a majority of those members present is necessary for the transaction of any business.

**15.1-09-30. School boards - Meetings - Pledge of allegiance.**

1. Each school board shall hold an initial meeting during the month of July following the annual election. The president of the school board shall select a meeting date that is convenient to the other board members and shall provide board members with written notice of the meeting.

2. Once during each month thereafter, a board shall hold a regular meeting for the transaction of business. The board of any school district having only one-room and two-room schools may meet as often as the board deems necessary, but not less than four times in each year.
3. Special meetings may be called by the president or by any two members of a board. Written notice of a special meeting must be given to each member of a board.
4. At the beginning of each regularly scheduled school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.
5. The attendance of a board member at any meeting, without objection, constitutes a waiver of the notice requirement for that member.
6. A board of a school district operating under an academic cooperative agreement approved by the superintendent of public instruction may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by this section. Multiboard meetings must be for the purpose of pursuing joint academic or cooperative activities and must be held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that notice of each multiboard meeting in which the school board will participate is published in the local newspapers of general circulation at least one week before the meeting date.
7. At the request of a resident of the school district, a school district shall record the school district's regular or special meeting, archive the recording, and make the recording available to the public. A request must be submitted to the school district no later than seven days prior to the meeting. A school district shall publish on its website a link to the recording of a board meeting. The recording must be available on the school districts' website for no fewer than three months from seven days after the meeting. This section does not apply to executive sessions nor work sessions held as part of a regular or special meeting.
8. If a school district provides a livestream of a regular or special meeting of the board, the school district shall notify the public of the location of the link to access the livestream.

**15.1-09-31. School board proceedings - Publication.**

Every two years, at the time of a school district's annual election of board members, the electors of the district shall determine whether a record of the board proceedings must be published in the official newspaper of the district. If a majority of the electors voting on the question approve the publication, the school district business manager shall provide for publication of the school board proceedings, including an itemized list of obligations approved for payment. If appropriate, the business manager shall require that the newspaper publishing the board proceedings indicate that the published proceedings are subject to review and revision by the board. The business manager shall ensure that the proceedings are published within a reasonable time after each board meeting. A vote to approve the publication is effective for a period of two years or until disapproved at a succeeding school district election.

**15.1-09-32. School board members - Attendance at workshop.**

Within one year of assuming office, each newly elected school board member shall attend an inservice training workshop hosted by the North Dakota school boards association or its designee. The workshop must include presentations on the role of a school board member, the duties of a school board, and education finance.

**15.1-09-33. School board - Powers.**

The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.

2. Organize, establish, operate, and maintain elementary, middle, and high schools.
3. Have custody and control of all school district property and, in the case of the board of education of the city of Fargo, have custody and control of all public school property within the boundaries of the Fargo public school district and to manage and control all school matters.
4. Acquire real property and construct school buildings and other facilities.
5. Relocate or discontinue schools and liquidate the assets of the district as required by law; provided no site may be acquired or building constructed, or no school may be organized, established, operated, maintained, discontinued, or changed in location without the approval of the state board of public school education if outside the boundary of the district.
6. Purchase, sell, exchange, and improve real property.
7. Lease real property for a maximum of one year except in the case of:
  - a. A career and technical education facility constructed in whole or in part with financing acquired under chapter 40-57, which may be leased for up to twenty years; or
  - b. A lease for the installation of a wireless telecommunications facility, which may be leased for up to twenty years.
8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real property for school purposes.
9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture, supplies, and textbooks.
10. Recruit or contract with others to recruit homes and facilities which provide boarding care for special education students.
11. Provide dormitories for the boarding care of special education students.
12. Insure school district property.
13. Independently or jointly with other school districts, purchase telecommunications equipment or lease a telecommunications system or network.
14. Provide for the education of students by another school district.
15. Contract with federal officials for the education of students in a federal school.
16. Prescribe courses of study in addition to those prescribed by the superintendent of public instruction or by law.
17. Adopt rules regarding the instruction of students, including their admission, transfer, organization, grading, and government.
18. Join the North Dakota high school activities association and pay membership fees.
19. Adopt alternative curricula for high school seniors who require fewer than four academic units.
20. Contract with, employ, and compensate school district personnel.
21. Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.
22.
  - a. Suspend school district personnel;
  - b. Delegate to the superintendent of the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10; or
  - c. In the case of a district that does not employ a superintendent, delegate to the individual charged with administering the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10.
23. Dismiss school district personnel.
24. Participate in group insurance plans and pay all or part of the insurance premiums.
25. Contract for the services of a district superintendent, provided that the contract, which may be renewed, does not exceed a period of three years.
26. Contract for the services of a principal.
27. Employ an individual to serve as the school district business manager or contract with any person to perform the duties assigned to a school district business manager by law.
28. Dismiss a school district business manager for cause without prior notice.



29. Dismiss a school district business manager without cause with thirty days' written notice.
30. Defray the necessary and contingent expenses of the board.
31. Levy a tax upon property in the district for school purposes, as permitted in accordance with chapter 57-15.
32. Amend and certify budgets and tax levies, as provided in title 57.
33. Pay dues allowing for the board to hold membership in city, county, state, and national organizations and associations.
34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.
35. Authorize schools within the district to display the ten commandments with a display of other historical documents in the school and in a classroom.
36. Authorize schools within the district to permit students to recite the pledge of allegiance.

**15.1-09-33.1. School board authority - Payment of signing bonuses.**

1. The board of a school district may offer a signing bonus to an individual who:
  - a. Is licensed by the education standards and practices board or approved by the education standards and practices board;
  - b. Has signed a contract of employment in the district; and
  - c. Has never been employed in the newly assigned role by the board of a school district.
2. The board may pay to the individual the signing bonus authorized by subsection 1 in:
  - a. One lump sum upon the individual signing a contract of employment; or
  - b. Installments over a period of time not to exceed five years from the date the individual signed a contract of employment.
3. A signing bonus paid under this section:
  - a. Is in addition to any amount payable under a negotiated teachers' contract.
  - b. May not be included in the district's negotiated salary schedule.
  - c. May not be included as salary for continuing contract purposes.
  - d. May not be paid until the individual is licensed and qualified for the newly assigned role by the education standards and practices board.
  - e. May not be used for an individual employed the prior year by another school district in the state until the individual has been employed in the district for two years.

**15.1-09-33.2. Continuing education - Payment - Directives.**

A school board's right to reimburse teachers for the cost of continuing education activities undertaken in connection with the Every Student Succeeds Act of 2015 may not be contractually curtailed.

**15.1-09-33.3. Student teachers - Provision of stipend.**

The board of a school district may provide a stipend to a student teacher assigned to a school in the district.

**15.1-09-33.4. Student misconduct - Prohibition against participation in extracurricular activities.**

1. The board of a school district shall prohibit a student from participating in any extracurricular activity if:
  - a. The student has pled guilty to or been convicted of a criminal offense and sentenced under section 12.1-32-02.1 or pled guilty or been convicted of an offense specified in subsection 1 of section 12.1-32-09.1;
  - b. The student has:
    - (1) An order prohibiting contact issued against the student at the request of another student or employee of the school under section 12.1-31.2-02;

- (2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or
  - (3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;
  - c. The principal of the school receives information pertaining to an offense or order included under this section as provided in section 27-20.2-21; or
  - d. The victim of the offense or the subject of the order notifies the principal of the offense or order.
2. For purposes of this section, a representative of the juvenile court system may notify the principal of a school regarding the existence of files or records of the juvenile court pertaining to a student of the school which are open to inspection by the principal under section 27-20.2-21.

**15.1-09-33.5. School board - Immunity from liability.**

The superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any liability for damages resulting from a school's decision to display the ten commandments or permit students to recite the pledge of allegiance under section 15.1-09-33.

**15.1-09-34. Contracts by school boards - Bids - Penalty.**

1. Except as provided in this section, the board of a school district may not enter a contract involving the expenditure of an aggregate amount greater than fifty thousand dollars unless the school board has given ten days' notice by publication in the official newspaper of the district, received sealed bids, and accepted the bid of the lowest responsible bidder. This section does not apply to contracts for:
- a. The personal services of district employees.
  - b. Textbooks and reference books.
  - c. Articles not sold on the open market.
  - d. Patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
  - e. Patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
  - f. Building construction projects under chapter 48-01.2.
  - g. School transportation services purchased under section 15.1-30-11.
  - h. Vehicle fuel purchased under section 15.1-09-34.1.
  - i. Heating fuel purchased under section 15.1-09-34.1.
  - j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
  - k. Cooperative purchases with the office of management and budget under chapter 54-44.4.
  - l. The purchase of products from prison industries under chapter 12-48.
  - m. The purchase of products from work activity centers under chapter 25-16.2.
  - n. Cooperative purchases made pursuant to a joint-powers agreement under chapter 54-40.3.
  - o. Building materials required for district students enrolled in a course to create home construction projects sold on the open market, the revenue of which is used to cover the cost of the building materials for use in the course.
2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].

3. A board member who participates in a violation of this section is guilty of a class B misdemeanor.

**15.1-09-34.1. Vehicle and heating fuel - Purchases.**

At least once each year, the board of a school district shall publish in the official newspaper of the district information regarding the registration of vehicle fuel vendors and heating fuel vendors. Except as otherwise provided in this section, the board shall purchase vehicle fuel and heating fuel only after seeking written quotes from all vendors who registered with the district for that school year.

**15.1-09-35. Reports by school boards on conditions of schools.**

Upon the conclusion of each school year, the board of a school district shall:

1. Prepare a report regarding the condition of all schools in the district, including their financial condition and the educational progress of students enrolled in each school;
2. Forward a copy of the report to the county superintendent of schools; and
3. Publish in the official newspaper of the school district that portion of the report which deals with the financial condition of each school.

**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 career 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.
3. A board may waive any fee if a student or the student's parent or guardian is unable to pay the fee.
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.
5. This section does not preclude the operation of a school store where students may purchase school supplies and materials.
  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 state aid payments to which the district is entitled for each student charged an unauthorized fee.

**15.1-09-37. Duties of school board - Postsecondary instructional programs - Fees.**

Repealed by S.L. 2001, ch. 161, § 37.

**15.1-09-38. Duties of school board - Employment of relatives.**

Repealed by S.L. 2003, ch. 151, § 2.

**15.1-09-39. Districts in bordering states - Contract.**

1. Notwithstanding any other provision of law, the board of a school district in this state may contract with the board of a school district in another state for the joint operation and maintenance of school facilities and for joint activities, if the districts are contiguous. To be valid, the contract must be approved by the superintendent of public instruction and by a majority of the qualified electors residing in the district.
2. In assessing the contract, the superintendent shall consider the district's enrollment, its valuation, and its longevity.
3. If the superintendent approves the contract, the board shall submit the contract to the electorate of the district, for approval, at an annual or a special election.
4. The board shall publish notice of the election in the official newspaper of the district at least fourteen days before the election. The notice must include a statement regarding the purpose of the election and the terms of the contract.
5. On the ballot, the board shall seek the voters' permission to execute the proposed contract, as approved by the superintendent of public instruction.
6. If the voters approve the execution of the contract, the board may levy and collect taxes, as permitted in accordance with chapter 57-15, to carry out the contract pursuant to law.
7. If a district that is a party to a contract under this section dissolves, any district to which the land of the dissolved district is attached shall assume the contractual responsibilities.

**15.1-09-40. Sharing of levied taxes - Contract.**

The boards of two or more school districts may contract to share levied taxes in all or a portion of their respective districts. The rate of taxes to be levied on any property in the joint taxing area or district is the rate of tax provided for in the contract, not exceeding any levy limitations under chapter 57-15. The auditor of each county in which all or a portion of a contracting district is located shall fix and levy taxes on that portion of the property which is described in the contract and is located in the county at the rate set by the contract.

**15.1-09-41. School board authority - Reward for destruction of school property.**

The board of a school district may offer and pay a reward to any person who furnishes information leading to the apprehension and conviction of one appropriating or destroying property or equipment belonging to the district.

**15.1-09-42. Educational meetings - Attendance by school district personnel.**

Repealed by S.L. 2005, ch. 167, § 36.

**15.1-09-43. Purchase of schoolbus - Payment period.**

The board of a school district may purchase a bus body, a chassis, or a complete bus, provided the body, chassis, or complete bus meets standards provided by section 39-21-27.1. A board may use money in its general fund to purchase a bus body, a chassis, or a complete bus on an installment plan, provided the plan does not extend beyond six years.

**15.1-09-44. Schoolbuses - Use of nonprofit organizations.**

The board of a school district may make a schoolbus available to a nonprofit organization for use in conjunction with the organization's activities. The board shall negotiate the terms of usage with the organization. The terms must address rental charges and insurance coverage. The driver of a schoolbus used by a nonprofit organization under this section must satisfy the requirements for a schoolbus driver set forth in section 15.1-07-20.

**15.1-09-45. Storage facilities for schoolbuses.**

The board of a school district may lease for purchase, purchase, or construct a storage facility for schoolbuses upon advertised bids as provided in section 15.1-09-34. For these purposes, the board may use money in the district's general fund or building fund provided the money is not otherwise obligated.

**15.1-09-46. School district census.**

Repealed by S.L. 2007, ch. 163, § 57.

**15.1-09-47. Board of education of city of Fargo - Taxing authority.**

The board of education of the city of Fargo may levy taxes within the requirements or limitations of this title and title 57.

**15.1-09-48. Board of education of city of Fargo - Tax collection.**

1. The board of education of the city of Fargo may levy taxes within the boundaries of the Fargo public school district and cause the taxes to be collected in the same manner as other city taxes, provided the taxes meet the requirements or limitations of this title and title 57. The business manager of the board of education shall certify the rate for each purpose to the city auditor in time to be added to the annual tax list of the city.
2. The city auditor shall calculate and extend upon the annual assessment roll and tax list any tax levied by the board of education. The tax must be collected in the same manner as other city taxes.
3. If the city council fails to levy any tax for city purposes or fails to cause an assessment roll or tax list to be made, the board of education may make an assessment roll and tax list and submit the roll to the city auditor with a warrant for the collection of the tax. The board of education may cause the tax to be collected in the same manner as other city taxes are collected or as otherwise provided by resolution of the board.

**15.1-09-49. Board of education of city of Fargo - Taxes for buildings.**

The amount to be raised for teacher salaries and contingent expenses must be such only as together with the public money coming to the city from any source is sufficient to establish and maintain efficient and proper schools for students in the city. The tax for purchasing, leasing, or improving sites and the building, purchasing, leasing, enlarging, altering, and repairing of schools may not exceed in any one year fifteen mills on the taxable valuation of property in the school district. The board of education may borrow, and when necessary shall borrow, in anticipation of the taxes to be raised, levied, and collected.

**15.1-09-50. Board of education of city of Fargo - Powers.**

In addition to the powers granted to all school boards by section 15.1-09-33, the board of education of the city of Fargo has the power and duty:

1. To organize, establish, and maintain schools within the boundaries of the Fargo public school district; to change and discontinue the schools; and to liquidate the assets of the discontinued schools, as authorized by the state board of public school education.
2. To lease houses or rooms for school purposes, lease lots or sites for schools, and fence real property.
3. To build, enlarge, alter, improve, and repair schools and appurtenances upon lots or sites now owned or leased for school purposes.
4. To provide, sell, exchange, improve, and repair school apparatus, books for indigent students, and appendages.
5. To provide fuel and other supplies for the schools.
6. To have the custody and safekeeping of the schools, books, furniture, and appurtenances and to see that local ordinances regarding schools are observed.
7. To compensate teachers out of the money appropriated and provided by law for the support of the public schools within the boundaries of the district so far as the same is sufficient, and to pay any remainder due from the money raised as authorized by this chapter.
8. To have the control and management of the public schools within the boundaries of the district and from time to time to adopt rules for their good order, prosperity, and utility.
9. To prepare and report to the mayor and the city council ordinances and regulations necessary for the protection, safekeeping, and care of the schools, lots, sites, and appurtenances and all the property belonging to the city, connected with and appertaining to the schools, and to suggest proper penalties for the violation of ordinances and regulations.

**15.1-09-51. Board of education of city of Fargo - School property.**

1. The title to all schools, sites, lots, furniture, books, apparatus, and appurtenances, belonging to the city, and used for school purposes, under the control of the board of education are vested in the city of Fargo for the use of the schools. While used for or appropriated to school purposes, the same may not be:
  - a. Levied upon or sold by virtue of any warrant, execution, or other process;
  - b. Subject to any judgment or lien; or
  - c. Subject to taxation for any purpose.
2. The city in its corporate capacity is competent to accept and dispose of any real or personal estate transferred to it by gift, grant, bequest, or devise, for the use of the public schools of the city, whether the property is transferred to the city or to any person for the use of the schools.

**15.1-09-52. Board of education of city of Fargo - Ownership of real property.**

Whenever any real property is purchased by the board, the transfer or grant and conveyance of the property must be taken to the "city of Fargo for the use of the schools" and whenever any sale is made by the board, it must be so resolved and placed upon the records of the board. The conveyance must be executed, in the name of the city of Fargo, by the president of the board and attested to by the business manager. The president and the business manager may execute conveyances upon a sale or exchange, with or without full covenants or warranty, on behalf of the city.

**15.1-09-53. School district employees' group health plans.**

In contracting for a school district employees' group health plan, the board of a school district shall meet the bidding requirements of section 15.1-09-34. No contract for a school district employees' health plan may be of a duration greater than six years.

**15.1-09-54. School district technology consortium - Authority to borrow money.**

1. A school district technology consortium formed under chapter 54-40.3 may borrow money for instructional technology acquisition provided:

- a. The outstanding principal borrowed by a consortium under this section does not exceed one hundred seventy-five thousand dollars;
  - b. The loan repayment period does not exceed ten years;
  - c. The loan is approved in writing by the board of each school district participating in the consortium;
  - d. The loan is:
    - (1) Approved by a majority of the eligible electors residing in each school district participating in the consortium, as evidenced by their signatures on a petition clearly stating the purpose of the loan, the amount of the loan, and its terms of repayment, and filed with the superintendent of public instruction; or
    - (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board; and
  - e. The loan is approved by the superintendent of public instruction.
2. The superintendent of public instruction shall adopt rules setting forth the criteria for loan approval. The superintendent of public instruction may not approve a loan under this section if the superintendent determines that the instructional technology acquisition is not compatible with the statewide information technology plan.

**15.1-09-55. School district superintendent - Joint employment - Accreditation.**

The superintendent of public instruction may not impose through the accreditation process any penalties or sanctions on a school district for employing a superintendent jointly with one or more other districts. The superintendent may not require, through the accreditation process, that an employee of a school district having fewer than one hundred students in high school spend more than thirty-three percent of the employee's time performing the duties of a school principal if the school district employs a superintendent jointly with one or more other districts.

**15.1-09-56. Student financial institution.**

A school board may establish, maintain, and supervise a student financial institution which is not subject to section 6-02-01, 6-02-03, 6-03-67.1, or 6-06-05 or any other statute or rule that regulates banks, other financial institutions, or currency exchanges. To qualify as a student financial institution, the student financial institution must be operated as part of a high school educational program under guidelines adopted by the school board, be advised on a regular basis by one or more state-chartered or federally chartered financial institutions including credit unions, but not owned or operated by a financial institution, be located on school premises and have as customers only students enrolled in, or employees of, the school of which it is located, and have a written commitment from the school board guaranteeing reimbursement of any depositor's funds lost due to insolvency of the student financial institution. Funds of a student financial institution that meet the requirements of this section are not school district or other public funds for purposes of any state law governing the use or investment of school district or other public funds. For purposes of borrowing money, cashing checks, and taking deposits concerning the operation of a student financial institution, the obligations of a minor have the same force and effect as though they were the obligations of a person over the age of majority.

**15.1-09-57. Licensure to teach - Course area or field - Request for exception - Report.**

1. If the board of a school district or of a nonpublic school is unable to fill a particular position by recruiting or assigning an individual who is licensed to teach in that particular course area or field, the school board may fill the position with an individual who is not licensed to teach in that particular course area or field, provided the individual:
  - a. Is licensed to teach by the education standards and practices board or is approved to teach by the education standards and practices board;
  - b. Holds at least a minor or a minor equivalency in the course area or field in which the individual seeks to teach; and

- c. Has received a temporary exception under this section.
2. The education standards and practices board shall adopt rules governing the issuance of temporary exceptions under this section. Except for a case of sudden and unexpected vacancy occurring during the school calendar, the rules must require consideration of a school board's efforts to fill a particular position and the school board's efforts to explore alternative methods of education delivery to the students. The rules must also require that the individual submit a plan for a course of study which will enable the individual to obtain a major or a major equivalency in the course area or field in which the individual seeks to teach.
3. An exception granted under this section is valid only through the conclusion of the school year in which the request for exception is submitted to the education standards and practices board. The board may extend the exception by one-year increments, provided the individual demonstrates successful completion of at least one-third of the total course of study prior to each requested extension.
4. At the conclusion of each school year, the education standards and practices board shall file a report with the legislative council. The report must cite all requests for exceptions under this section received by the board during the school year and must include the board's response to each request and a brief description of the board's rationale.

**15.1-09-58. Four-year old program - Authorization - Support.**

The board of a school district may establish a four-year old program and, provided the program is approved by the department of health and human services in accordance with section 50-11.1-21, may support that program with:

1. Local tax revenues, other than those necessary to support the district's kindergarten program and the provision of elementary and high school educational services;
2. State moneys specifically appropriated for the program;
3. Federal funds specifically appropriated or approved for the program; and
4. Gifts, grants, and donations specifically given for the program.

**15.1-09-59. Maintenance of insurance - Report to superintendent of public instruction.**

1. At least once every six years, each school district shall work with its commercial property insurance carrier for the purpose of ensuring that:
  - a. All school district buildings and facilities are properly identified and accurately valued; and
  - b. The contents of all school district buildings and facilities are properly inventoried and accurately valued.
2.
  - a. If a school district can demonstrate to the satisfaction of the superintendent of public instruction that the district completed the requirements of subsection 1 during the period beginning July 1, 2006, and ending June 30, 2011, the district's six-year requirement for identification and valuation begins on the date that the requirements were met.
  - b. If a school district cannot demonstrate to the satisfaction of the superintendent of public instruction that the district completed the requirements of subsection 1 during the period beginning July 1, 2006, and ending June 30, 2011, the district shall complete the requirements during the 2011-12 school year.
3. Annually, each school district shall review the terms of any insurance policies providing coverage for its buildings, its facilities, and their contents and ensure that the policies are sufficient to provide in full for the repair or replacement of the buildings, its facilities, and their contents, in the event of a loss.
4. Annually, the superintendent of public instruction shall verify that each school district is in compliance with the requirements of this section.



**15.1-09-60. School district safety plan - Establishment of school safety plan fund - Approval - Open records exemption.**

The board of a school district may develop a school safety plan, in consultation with the qualified electors residing within the district, and establish and maintain a school safety plan fund subject to the limitations in section 57-15-14.2. A school safety plan developed by the board of a school district is exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota with respect to aspects of the plan addressing the security of students.