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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1180**

03/04/2013 Authored by Hansen

The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education finance; authorizing a school district to charge fees in order
1.3 to make digital technology more widely available; amending Minnesota Statutes
1.4 2012, sections 123B.35; 123B.36, subdivision 1; 123B.37, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 123B.35, is amended to read:

1.7 **123B.35 GENERAL POLICY.**

1.8 It is the policy of the state of Minnesota that public school education shall be free and
1.9 no pupil shall be denied an education because of economic inability to furnish educational
1.10 ~~books~~ content and supplies necessary to complete educational requirements necessary
1.11 for graduation. Any practice leading to suspension, coercion, exclusion, withholding
1.12 of grades or diplomas, or discriminatory action based upon nonpayment of fees denies
1.13 pupils their right to equal protection and entitled privileges. It is recognized that school
1.14 boards do have the right to accept voluntary contributions, to make certain charges and
1.15 to establish fees in areas considered extra curricular, noncurricular or supplementary to
1.16 the requirements for the successful completion of a class or educational program, and to
1.17 waive those fees under certain circumstances. No public school board may require, except
1.18 as authorized by sections 123B.36 and 123B.38, the payment of fees.

1.19 **EFFECTIVE DATE.** This section is effective July 1, 2013.

1.20 Sec. 2. Minnesota Statutes 2012, section 123B.36, subdivision 1, is amended to read:

1.21 Subdivision 1. **School boards may require fees.** (a) For purposes of this
1.22 subdivision, "home school" means a home school as defined in sections 120A.22 and
1.23 120A.24 with five or fewer students receiving instruction.

2.1 (b) A school board is authorized to require payment of fees in the following areas:

2.2 (1) in any program where the resultant product, in excess of minimum requirements
2.3 and at the pupil's option, becomes the personal property of the pupil;

2.4 (2) admission fees or charges for extracurricular activities, where attendance
2.5 is optional and where the admission fees or charges a student must pay to attend or
2.6 participate in an extracurricular activity is the same for all students, regardless of whether
2.7 the student is enrolled in a public or a home school;

2.8 (3) a security deposit for the return of materials, supplies, or equipment;

2.9 (4) personal physical education and athletic equipment and apparel, although any
2.10 pupil may personally provide it if it meets reasonable requirements and standards relating
2.11 to health and safety established by the board;

2.12 (5) items of personal use or products that a student has an option to purchase such as
2.13 student publications, class rings, annuals, and graduation announcements;

2.14 (6) fees specifically permitted by any other statute, including but not limited to
2.15 section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual
2.16 cost to the school and school district of providing driver education, and (ii) the driver
2.17 education courses are open to enrollment to persons between the ages of 15 and 18 who
2.18 reside or attend school in the school district;

2.19 (7) field trips considered supplementary to a district educational program;

2.20 (8) any authorized voluntary student health and accident benefit plan;

2.21 (9) for the use of musical instruments owned or rented by the district, a reasonable
2.22 rental fee not to exceed either the rental cost to the district or the annual depreciation plus
2.23 the actual annual maintenance cost for each instrument;

2.24 (10) for the use of personal computing devices owned by or rented by the district,
2.25 a reasonable rental fee not to exceed either the rental cost to the district or the annual
2.26 depreciation plus the actual annual maintenance cost for each personal computing device;

2.27 (11) transportation of pupils to and from extracurricular activities conducted at
2.28 locations other than school, where attendance is optional;

2.29 ~~(11)~~ (12) transportation to and from school of pupils living within two miles from
2.30 school and all other transportation services not required by law. If a district charges fees
2.31 for transportation of pupils, it must establish guidelines for that transportation to ensure
2.32 that no pupil is denied transportation solely because of inability to pay;

2.33 ~~(12)~~ (13) motorcycle classroom education courses conducted outside of regular
2.34 school hours; provided the charge must not exceed the actual cost of these courses to
2.35 the school district;

(14) transportation to and from postsecondary institutions for pupils enrolled under the postsecondary enrollment options program under section 123B.88, subdivision 22. Fees collected for this service must be reasonable and must be used to reduce the cost of operating the route. Families who qualify for mileage reimbursement under section 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If no fee is charged, districts must allocate costs based on the number of pupils riding the route.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 3. Minnesota Statutes 2012, section 123B.37, subdivision 1, is amended to read:

Subdivision 1. **Boards shall not charge certain fees.** (a) A board is not authorized to charge fees in the following areas:

(1) digital content, textbooks, workbooks, art materials, laboratory supplies, and towels;

(2) supplies necessary for participation in any instructional course except as authorized in sections 123B.36 and 123B.38;

(3) field trips that are required as a part of a basic education program or course;

(4) graduation caps, gowns, any specific form of dress necessary for any educational program, and diplomas;

(5) instructional costs for necessary school personnel employed in any course or educational program required for graduation;

(6) library books required to be utilized for any educational course or program;

(7) admission fees, dues, or fees for any activity the pupil is required to attend;

(8) any admission or examination cost for any required educational course or program;

(9) locker rentals; and

(10) transportation to and from school of pupils living two miles or more from school.

(b) Notwithstanding paragraph (a), clauses (1) and (6), a board may charge fees for personal computing devices, musical instruments, textbooks, workbooks, and library books, lost or destroyed by students. The board must annually notify parents or guardians and students about its policy to charge a fee under this paragraph.

EFFECTIVE DATE. This section is effective July 1, 2013.