

**CHAPTER 15-10**  
**THE STATE BOARD OF HIGHER EDUCATION**

**15-10-01. State board of higher education - Institutions administered by board.**

The state board of higher education shall have the control and administration of the following state educational institutions:

1. The state university and the school of mines at Grand Forks, with their substations.
2. The North Dakota state university of agriculture and applied science and the agricultural experiment station at Fargo, with their substations or centers.
3. The school of science at Wahpeton.
4. The Valley City state university, Mayville state university, Minot state university, and Dickinson state university.
5. The following colleges: Bismarck state college, Dakota college at Bottineau, Lake Region state college, and Williston state college.
6. And such other state institutions of higher education as may be established.

**15-10-01.1. Board of higher education to assume jurisdiction over junior colleges and off-campus educational centers.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-01.2. North Dakota university system - Unified system of higher education.**

The institutions of higher education under the control of the state board of higher education are a unified system of higher education, as established by the board, and are designated as the North Dakota university system.

**15-10-02. Membership of state board of higher education - Advisers.**

1. The state board of higher education consists of eight members, all of whom must be appointed by the governor in accordance with section 6 of article VIII of the Constitution of North Dakota.
2. The council of college faculties shall annually appoint one individual to serve as an adviser to the state board. The adviser may attend and participate in all meetings of the state board but may not vote.
3. The staff senate annually shall appoint one individual to serve as an adviser to the state board. The adviser may attend and participate in all meetings of the state board but may not vote.

**15-10-03. Terms of office.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-04. Failure of senate to confirm nomination to board - Procedure.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-05. Appointments to fill vacancies when legislative assembly not in session.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-06. Removal - Impeachment only.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-07. Oath of office - Quorum.**

Before entering upon the duties of their offices, the members appointed to the state board of higher education shall take and subscribe the oath required of civil officers. A majority of the members appointed to the board constitutes a quorum for the transaction of business.

**15-10-08. Compensation of board members - Expenses - Legislative appropriations.**

Each member of the state board of higher education, except the student member, is entitled to receive as compensation one hundred forty-eight dollars per day for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board.

**15-10-09. President and secretary of board - Appointment - Term.**

The state board of higher education shall elect one of its members annually to serve as president of the board for a term of one year. It shall elect a competent person as secretary, who shall hold office at the will of the board and shall reside, during the secretary's term of office, in the city of Bismarck.

**15-10-10. State commissioner of higher education - Qualification - Appointment - Term - Removal.**

The state board of higher education, as soon as practicable, shall appoint, for a term of not to exceed three years, a state commissioner of higher education whose principal office must be at the state capitol. The commissioner of higher education is responsible to the board and is removable by the board for cause. The commissioner must be a graduate of some reputable college or university who by training and experience is familiar with the problems peculiar to higher education. The commissioner must be the chief executive officer of the board and shall perform such duties as must be prescribed by it.

**15-10-11. Authority and general powers of board.**

The state board of higher education has full authority over the institutions under its control with the right to prescribe, limit, or modify the courses offered at the several institutions. In furtherance of its powers, the board has the power to delegate to its employees details of the administration of the institutions under its control. The board has authority to organize or reorganize, within constitutional and statutory limitations, the work of each institution under its control, and to do everything necessary and proper for the efficient and economical administration thereof.

**15-10-12. (Effective through June 30, 2013) Board may accept gifts and bequests - Deposit and appropriation of institutional funds.**

Subject to the limitations of section 15-10-12.1, the state board of higher education may receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, tuition, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget. Payments from each

institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution. The funds in the institution accounts are appropriated on a continuing basis to the state board of higher education. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

**(Effective after June 30, 2013) Board may accept gifts and bequests - Deposit of funds.** The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income from tuition collections must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

**15-10-12.1. Acceptance of buildings and campus improvements - Legislative approval.**

The state board of higher education may authorize campus improvements and building maintenance on land under the control of the board which are financed by donations, gifts, grants, and bequests if the cost of the improvement or building maintenance is not more than three hundred eighty-five thousand dollars. The consent of the legislative assembly is required for construction of any building financed by donations, gifts, grants, and bequests and for campus improvements or building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvements or maintenance is more than three hundred eighty-five thousand dollars. During the time the legislative assembly is not in session, except for the six months preceding the convening of a regular session, and unless otherwise restricted by previous legislative action or other law, the state board of higher education, with the approval of the budget section of the legislative management, may authorize the use of land under the control of the board and construct buildings financed by donations, gifts, grants, and bequests and campus improvements and building maintenance financed by donations, gifts, grants, and bequests and if the cost of the improvement or maintenance is more than three hundred eighty-five thousand dollars. The budget section approval must include a specific dollar limit for each building, campus improvement project, or maintenance project. The state board of higher

education may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The board shall prescribe such conditions for the sale of the property as it determines necessary. The conditions must include requiring an appraisal and public auction or advertisement for bids, unless the gift instrument requires a different process. If the state board of higher education submits a request for campus improvements, building maintenance, or to construct buildings under this section to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request.

**15-10-12.2. College and university investment income.**

All income earned on college and university funds not deposited in the state treasury must be retained by those funds.

**15-10-12.3. Capital construction projects - Local fund sources - Local matching funds - Report to budget section.**

If any institution under the control of the state board of higher education undertakes a capital construction project, including any renovation or expansion, with the approval of the legislative assembly, all local funds to be used for the project must be derived from sources that have been presented to and approved by the legislative assembly or the budget section pursuant to section 15-10-12.1. The source of any local matching funds required for state-funded or bonded projects must be funds raised and designated for the project and may not include funding from the state general fund, state and federal grant and contract funds, tuition or fees, endowment or investment income, institutional sales and services income including indirect and administrative costs, or transfers or loans from other institutions' funds or agency funds unless the institution has received prior approval from the legislative assembly or from the budget section pursuant to section 15-10-12.1. Each institution undertaking a capital construction project that was approved by the legislative assembly and for which local funds are to be used shall present a biennial report to the budget section of the legislative management detailing the source of all funds used in the capital construction project, including local funds. This section applies to projects approved after July 1, 2001.

**15-10-13. Faculties of institutions under supervision of state board of higher education - Rules and regulations.**

In each institution of higher education under the control and subject to the administration of the state board of higher education, the faculty shall consist of the president, instructors, teachers, and assistants. The faculty shall adopt, subject to such rules and regulations as the state board of higher education may establish, all necessary rules and regulations for the government of the school.

**15-10-13.1. Faculty - English language proficiency.**

Any professor, instructor, teacher, assistant, or graduate assistant at a state institution of higher education must exhibit written and verbal proficiency in the English language. Any deficiency must be remedied by special training or coursework provided by the institution.

**15-10-13.2. Public institutions of higher education - Faculty members - Oath or affirmation.**

1. Before entering upon the discharge of duties, every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.

2. The faculty member shall execute the oath or affirmation in duplicate. One copy of the oath or affirmation must be filed with the state board of higher education. The faculty member shall retain the other copy.

**15-10-13.3. Public institutions of higher education - Alien faculty members - Oath or affirmation.**

Before entering upon the discharge of duties, an individual who is not a citizen of the United States but who is a faculty member employed by an institution of higher education under the control of the state board of higher education shall take an oath or affirmation to support the institutions and policies of the United States during the period of the individual's employment within the state.

**15-10-14. Accounts and records of institutions - Examination and audit.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-14.1. Higher education reports.**

The state board of higher education shall submit the reports required pursuant to section 15-10-14.2 and such other reports as may be requested by the legislative assembly or governor.

**15-10-14.2. Higher education system strategic plan - Reports.**

1. The state board of higher education shall adopt a strategic planning process and develop a strategic plan to define and prioritize university system goals and objectives. The board shall provide an annual performance and accountability report regarding performance and progress toward the goals outlined in the university system's strategic plan and accountability measures.
2. The state board of higher education shall report to the legislative assembly during each regular legislative session regarding the status of higher education in this state.

**15-10-15. Budget requests - Duties of institution heads.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-16. Control of funds and appropriations of educational institutions.**

The state board of higher education has the control of the expenditure of the funds belonging and allocated to the institutions under its control and also of those appropriated by the legislative assembly for such institutions, but funds appropriated by the legislative assembly and specifically designated for any one or more of such institutions may not be used for any other institution.

**15-10-16.1. Loans from Bank of North Dakota.**

Institutions under the board of higher education are authorized to borrow, and the Bank of North Dakota is authorized to loan to those institutions, amounts not to exceed ninety percent of the value of an institution's certificate of deposit held by the Bank. The term of the loan may not exceed the term of the certificate of deposit offered as security for the loan. The loans are subject to such additional terms and conditions as may be established by the Bank.

**15-10-17. Specific powers and duties of the state board of higher education.**

The state board of higher education has all the powers and shall perform all the duties necessary to the control and management of the institutions described in this chapter. In addition to the powers and duties specified in section 6 of article VIII of the Constitution of North Dakota, the board may:

1. a. Appoint and remove the president or other faculty head, and the professors, instructors, teachers, officers, and other employees of the several institutions under its control, and to fix their salaries within the limits of legislative appropriations therefor, and to fix the terms of office and to prescribe the duties thereof, provided that the consideration of the appointment or removal of any

- such personnel shall be in executive session if the board chooses unless the individual involved requests that the meeting be open to other individuals or to the public.
- b. Appoint and remove the commissioner of higher education, fix the commissioner's salary within the limits of legislative appropriations, and prescribe the commissioner's duties.
  - c. Appoint and remove all university system office personnel, fix their salaries within the limits of legislative appropriations, fix their terms of office, and prescribe their duties.
2. Authorize the employment of law enforcement officers having concurrent jurisdiction with other law enforcement officers to enforce laws and regulations at its institutions.
  3. Set tuition and fees.
  4. a. Establish a retirement program as an alternative to chapter 15-39.1 for university system employees subject to the following guidelines:
    - (1) Benefits under the program must be provided through annuity contracts purchased by the board but which become the property of the participants;
    - (2) The cost of the annuity contracts must be defrayed by contributions made pursuant to rules of the state board of higher education;
    - (3) Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota must be transferred to the employee's account in the alternate program. The election must be made before July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2; and
    - (4) Employees of the university system who are members of the public employees retirement system under chapter 54-52 or 54-52.6 and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system before March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapters 54-52 and 54-52.6.
  - b. Provide for the administration of the alternate retirement program and establish rules for the program consistent with this subsection. This subsection does not derogate any existing retirement programs approved by the board.

5. Determine policy for purchasing by the university system in coordination with the office of management and budget as provided by law.
6. Establish by rule an early retirement program for faculty and officers of the board as defined by the board. The limitations on severance pay pursuant to section 54-14-04.3 and on requiring the employee to pay contributions to continue on the state uniform group insurance program upon retirement or upon termination of employment pursuant to section 54-52.1-03 do not apply to the early retirement program.
7. Adopt rules to protect the confidentiality of student records, medical records, and, consistent with section 44-04-18.4, trade secret, proprietary, commercial, and financial information.
8. Authorize and encourage university system entities to enter into partnerships, limited liability companies, joint ventures, or other contractual arrangements with private business and industry for the purpose of business or industrial development or fostering basic and applied research or technology transfer.
9. Adopt rules promoting research, encouraging development of intellectual property and other inventions and discoveries by university system employees, and protecting and marketing the inventions and discoveries. The rules must govern ownership or transfer of ownership rights and distribution of income that may be derived from an invention or discovery resulting from research or employment in the university system. The rules may provide for transfer of ownership rights or distribution of income to a private, nonprofit entity created for the support of the university system or one of its institutions.

**15-10-17.1. Conduct of students and others and use of facilities of state colleges and universities.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-17.2. Claims against institutions of higher education - Continuing appropriation.**

Repealed by S.L. 1995, ch. 329, § 14.

**15-10-17.3. Political advertising - Student housing.**

A state institution of higher education may not include in student housing leases provisions that prohibit lessees from placing political advertisements on the leased property. A political advertising sign placed on student housing property must be placed in compliance with any applicable city ordinance relating to signs.

**15-10-17.4. Contract - Preparation and provision of meals - Policy.**

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such services and specifically addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
  - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
  - b. Provide the catering services for a specific event.

3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

**15-10-18. Tuition of nonresidents at schools under control of state board of higher education.**

At all state institutions of higher education, tuition must be charged and collected from each nonresident student in such amount as must be determined by the state board of higher education.

**15-10-18.1. Waiver of tuition at state institutions for North Dakota youth correctional center graduates.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-18.2. Definitions.**

1. "Dependent" for purposes of section 15-10-18.3 means:
  - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action;
  - b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
  - c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.
2. "Resident veteran" means a veteran who:
  - a. Was born in and lived in this state until entrance into the armed forces of the United States;
  - b. Was born in, but was temporarily living outside this state, not having abandoned residence therein prior to entrance into the armed forces of the United States;
  - c. Was born elsewhere but had resided within this state for at least six months prior to entrance into military service and had prior to or during such six-month period:

- (1) Registered for voting, or voted in this state;
  - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
  - (3) If not registered for voting in this state, not registered for voting in another state; or
- d. Has been a resident of this state for the ten years prior to the request for tuition waiver.

**15-10-18.3. Free tuition in North Dakota institutions of higher education.**

Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; provided, however, that the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and further provided that tuition and fee charges shall not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action.

**15-10-18.4. Definitions.**

For purposes of section 15-10-18.5:

1. "Firefighter" means a person who is a member of a paid or volunteer fire department that is a part of, or administered by, this state, any political subdivision of this state, or a rural fire protection district.
2. "Peace officer" means any person who is employed by a state law enforcement agency or a political subdivision of the state who is charged with the prevention and detection of crime and the enforcement of the criminal laws of the state, and who has full power of arrest.
3. "Survivor" means the children under the age of twenty-one and the spouse of a firefighter or peace officer at the time of the firefighter's or peace officer's death.

**15-10-18.5. Free tuition in North Dakota institutions of higher education for survivor of firefighter, emergency medical services personnel, or peace officer.**

If a firefighter, an emergency medical services personnel as defined under section 23-27-04.3, or a peace officer dies as a direct result of injuries received while engaged in the performance of official duties under circumstances dangerous to human life, the survivor, upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; provided, however, that the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and further provided that tuition and fee charges may not include costs for aviation flight charges or expenses.

**15-10-19. Nonresident student for tuition purposes defined - Exceptions.**

Repealed by S.L. 1993, ch. 166, § 2.

**15-10-19.1. Nonresident and resident student for tuition purposes defined.**

1. A "nonresident student" for tuition purposes means any student other than a resident student.
2. A "resident student" for tuition purposes means:
  - a. A person whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal

- residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;
- b. A person of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
  - c. A person who graduated from a North Dakota high school;
  - d. A full-time active duty member of the armed forces, a member of a North Dakota national guard unit, or a veteran as defined in section 37-01-40;
  - e. A spouse or dependent of a full-time active duty member of the armed forces or a member of a North Dakota national guard unit or of an employee of any institution of higher education in this state, and a spouse of any other resident for tuition purposes;
  - f. A person who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term; or
  - g. A child, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action.
3. A temporary absence from the state for vacation or other special or temporary purposes may not be considered an abandonment of residency in this state, provided a residence is maintained in this state during the temporary absence. However, a student who leaves the state and resides in another state for a period of months is not considered a resident of this state during those months if the student does not maintain a place of residence in this state during the student's absence.

**15-10-20. Tuition at model schools in higher educational institutions - Attendance authorized by district school board.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-21. Military instruction required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-22. Course in cooperatives required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-23. Lease of building sites on educational institution grounds.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-24. Monthly statements of institutional expenditures and payroll to board of higher education.**

Repealed by S.L. 1973, ch. 132, § 6.

**15-10-25. Abstracts of expenditures and payroll to the office of management and budget.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-25.1. Out-of-state travel by persons employed by the institutions under the control of the board of higher education.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-26. Appropriations.**

Repealed by S.L. 1965, ch. 120, § 6.

**15-10-27. Appropriations for specific purposes - Payment.**

Repealed by S.L. 1965, ch. 120, § 6.

**15-10-28. Agreements with other states' institutions of higher learning and regional education compacts.**

The state board of higher education may enter into agreements with institutions of higher learning in other states and regional education compacts. The board, subject to the limits of legislative appropriations, may make such expenditures as are necessary for the purpose of utilizing the educational facilities of such institutions for teaching North Dakota students. In addition, the board may enter into agreements with institutions of higher learning in other states and regional education compacts for the acceptance of students from other states in North Dakota institutions of higher learning.

**15-10-28.1. Board of higher education to require note from veterinary medicine, optometry, or dental student - Repayment.**

Repealed by S.L. 1983, ch. 198, § 1.

**15-10-28.2. Regional veterinary medical education program - Authority to enter agreements - Limitations.**

1. The state board of higher education may enter into agreements with the university of Nebraska board of regents and with the appropriate governing boards or institutions of higher education in other states to provide a program of regional veterinary medical education and services.
2. Any agreements entered pursuant to subsection 1 may provide for the following:
  - a. Service by the university of Nebraska as the degree-granting institution.
  - b. Assumption by the university of Nebraska of final responsibility for the overall governance and administration of the educational aspects of the program.
  - c. Cooperation by the North Dakota state university of agriculture and applied science in providing input in the establishment of policies relating to curriculum, academic standards, student admissions, and other matters.
3. Within the limits of legislative appropriations, any agreements entered pursuant to subsection 1 may provide for the payment by the state board of higher education of North Dakota's share of the cost of facility construction in Nebraska based upon the proportion of North Dakota students in the program, provided any such payment is based upon a per student annual facilities use charge.
4. Within the limits of legislative appropriations, any agreements entered pursuant to subsection 1 may provide for the payment by the state board of higher education of North Dakota's share of the operating costs during the planning, startup, and full operational phases, based upon the proportion of North Dakota students in the program.

**15-10-29. Higher education facilities commission - Membership - Appointment - Term - Vacancies.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-30. Powers and duties.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-31. Federal money received by commission - Where deposited - How appropriated - How expended.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-32. Compensation of commission members - Travel expenses.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-33. Granting easements to state-owned land by the state board of higher education.**

Repealed by S.L. 1973, ch. 406, § 2.

**15-10-34. Authorization of contingency funds at institutions under the board of higher education.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-35. Investment of endowment funds by the institutions under the control of the board of higher education.**

Repealed by S.L. 1975, ch. 182, § 10.

**15-10-36. Student registration with selective service system.**

No person who is required by the Military Selective Service Act [Pub. L. 759; 62 Stat. 604; 50 U.S.C. App. 451 et seq.] to register with the selective service system may receive student financial aid funds from the state until that person has registered. The state board of higher education may adopt rules to achieve the purpose of this section.

**15-10-37. Technology occupations student loan program.**

1. The state board of higher education shall administer a science, technology, engineering, and mathematics occupations student loan program that encourages college students to pursue studies in these fields, to participate in internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards for eligibility.
2. Graduates of board-approved colleges may apply for the technology occupations student loan program. To be eligible to receive student loan grants under the program, the applicant:
  - a. Must have graduated from a board-approved college;
  - b. Must have successfully completed the board-approved technology-related courses;
  - c. Must have maintained at least a 2.5 grade point average, based on a 4.0 grading system, at a board-approved college;
  - d. Must have a student loan with the Bank of North Dakota or other participating lender;
  - e. Following graduation must be employed in the state in a board-approved technology occupation; and
  - f. Must have met and shall continue to meet any requirements established by rule.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is one thousand five hundred dollars per year and a total of six thousand dollars, or a lesser amount established by rule adopted by the state board of higher education.

**15-10-38. Loans - Teacher shortages - Loan forgiveness.**

1. The state board of higher education shall administer a student loan forgiveness program for individuals teaching at grade levels or in content areas identified as having a teacher shortage. The board shall adopt rules to implement the program.
2. The superintendent of public instruction shall annually identify the grade levels and content areas in which a teacher shortage exists.
3. To be eligible for loan forgiveness under this section, an individual:
  - a. Must have been admitted as a full-time student in a teacher preparation program, with the declared intention to teach at a grade level or in a content area identified

by the superintendent of public instruction as one in which a teacher shortage exists; and

- b. Must have obtained a student loan.
4. An individual may receive up to one thousand dollars per year and a maximum of five thousand dollars, or a lesser amount established by rule adopted by the state board of higher education under this section.
5. The board shall consider all applications under this section in chronological order.
6. Upon notification that the individual has completed a full year of teaching in a school district or nonpublic school in this state at a grade level or in a content area identified by the superintendent of public instruction as one in which a teacher shortage exists, the board shall distribute funds directly to the Bank of North Dakota to repay outstanding loan principal balances for eligible applicants.

**15-10-39. Fees - Room and meals - Authorization.**

An institution of higher education may charge a fee for room and meals when provided by the institution in connection with summer programs at the institution for which high school credit is awarded. If a student or the student's parent or guardian is unable to pay the fee for room and meals, the institution shall waive the fee.

**15-10-40. Long-term lease and leaseback transaction revenue.**

The board shall use revenue earned from long-term lease and leaseback transactions under chapter 54-01 for the repair and upkeep of campus buildings commonly referred to as deferred maintenance projects.

**15-10-41. Centers of excellence.**

Repealed by S.L. 2005, ch. 151, § 16.

**15-10-42. Faculty - English pronunciation - Policy - Report.**

The state board of higher education shall create a policy for all institutions under its control, relating to the assessment of faculty and teaching assistant communication skills, including the ability to speak English clearly and with good pronunciation, the notification to students of opportunities to file complaints, the process for responding to student complaints, and the resolution of reported communication problems.

**15-10-43. Veterinary medical education program - Kansas state university - Contract.**

1. In addition to any contracts under section 15-10-28.2, the state board of higher education may contract with Kansas state university to provide an opportunity for up to five eligible students to enroll in the veterinary medical education program at Kansas state university.
2. Eligible students must be residents of this state and must have been selected for enrollment by an admissions committee consisting of one faculty member from the department of veterinary and microbiological sciences at North Dakota state university, one veterinarian practicing in this state, one member of the legislative assembly, and one livestock producer, all of whom must be appointed by the legislative management, and the chairman of the admissions committee at the Kansas state university school of veterinary medicine. The legislative management and the chairman of the admissions committee at the Kansas state university school of veterinary medicine may select an alternative for each of the designated positions to serve as necessary.
3. The admissions committee shall determine the criteria to be used in the selection of eligible students, with eligible students interested in large animal veterinary medicine receiving a priority.

**15-10-44. Higher education information technology - Board duties - Reports.**

1. The state board of higher education shall manage and regulate information technology planning and services for institutions under its control, including:

- a. Development of information technology policies, standards, and guidelines in coordination with the information technology department.
  - b. Implementation of a process for project management oversight and reporting.
  - c. Integration of higher education information technology planning and reporting with the board's strategic planning process and annual performance and accountability report required by section 15-10-14.2.
  - d. Participation in internet2 or other advanced higher education or research-related networking projects as provided in section 54-59-08.
  - e. Development of an annual report concerning higher education information technology planning and services.
2. The state board of higher education shall collaborate with the information technology department to coordinate higher education information technology planning with statewide information technology planning.
  3. The state board of higher education shall provide advice to the information technology department regarding the development of policies, standards, and guidelines relating to access to or use of wide area network services as provided by section 54-59-09.
  4. The state board of higher education shall present information regarding higher education information technology planning, services, and major projects to the information technology committee on request of the committee.

**15-10-45. Telecommunications and information services competition prohibited - Report.**

1. The northern tier network, part of a national research network infrastructure, serves entities within and outside this state. The North Dakota university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the North Dakota university system. The North Dakota university system may not use the northern tier network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.
2. The North Dakota university system or any entity associated with the university system may not resell any portion of the northern tier network infrastructure to nonuniversity entities other than research collaborators.
3. The northern tier network may not replace any wide area network services to any city, county, or school district which are provided by the information technology department under section 54-59-08.
4. The North Dakota university system shall provide a comprehensive biennial report of northern tier network activities for the 2007-09 biennium and must submit to a biennial audit of the northern tier network activities beginning with the 2009-11 biennium.

**15-10-46. University of North Dakota fighting Sioux nickname and logo.**

Repealed by S.L. 2011, ch. 580, § 2.

**15-10-46.1. University of North Dakota athletic nickname and logo.**

Neither the state board of higher education nor the university of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015.

**15-10-47. Construction projects at institutions of higher education - Variance reports.**

1. Whenever any new construction, renovation, or repair, valued at more than two hundred fifty thousand dollars is underway on the campus of an institution of higher education under the control of the state board of higher education, the board shall provide monthly project variance reports to the director of the office of management and budget. Each report must include:
  - a. The name or a description of the project;
  - b. The expenditure authorized by the legislative assembly;
  - c. The amount of the original contract;

- d. The amount of any change orders;
  - e. The amount of any potential or anticipated change orders;
  - f. The sum of subdivisions c through e and the amount by which that sum varies from the expenditure authorized by the legislative assembly;
  - g. The total expended for the project to date; and
  - h. The scheduled date of completion as noted in the original contract and the latest available scheduled date of completion.
2. The state board of higher education also shall provide to the director of the office of management and budget, at the same time as the project variance report required by subsection 1:
    - a. A brief description of each change order included in subdivision d of subsection 1; and
    - b. A list of each public and nonpublic entity that has a contractually reflected financial obligation with respect to the project.
  3. The office of management and budget shall review the information received under this section and provide reports to the budget section of the legislative management upon request.