

**LETTER OPINION  
2002-L-25**

April 25, 2002

Honorable Tony Grindberg  
State Senator  
2832 39½ Avenue SW  
Fargo, ND 58104-7014

Dear Senator Grindberg:

Thank you for your letter asking if the 2001 recodification of the law concerning child nutrition and food distribution programs from former N.D.C.C. ch. 15-54 to new N.D.C.C. ch. 15.1-35 had any effect on the appropriateness of school districts participating in the provision of nutrition services to other entities that participate in the nutrition program.

The subject of school districts providing nutrition services to nonprofit entities that participate in the school nutrition program administered by the Department of Public Instruction was discussed in 1999 N.D. Op. Att'y Gen. F-15. That opinion analyzed N.D.C.C. §§ 15-54-03 and 15-54-04 and was addressed to you and other interested parties.

The language in sections 15-54-03 and 15-54-04 was revised and is now located at N.D.C.C. §§ 15.1-35-03 and 15.1-35-04, respectively. These revisions were proposed by the Legislature's interim Education Services Committee and were included in proposed HB 1045 in the 2001 legislative session. In proposing these revisions, the Committee sought only to clarify the law and did not intend any substantive changes relevant to the conclusion reached in 1999 N.D. Op. Att'y Gen. F-15. 2001 Legislative Council Report pp. 189-190.

Thus, although some style changes were made, the powers and duties of the Superintendent of Public Instruction and North Dakota public school districts are the same as those expressed in the above-cited opinion. Therefore, 1999 N.D. Op. Att'y Gen. F-15 continues to be an accurate statement of the authority of North Dakota public school districts and the Superintendent of Public Instruction concerning the matters discussed therein.

Sincerely,

Wayne Stenehjem  
Attorney General

rel/vkk

cc: Dr. Wayne G. Sanstead, Superintendent of Public Instruction