

CHAPTER 15.1-35 CHILD NUTRITION AND FOOD DISTRIBUTION PROGRAMS

15.1-35-01. Definitions.

In this chapter unless the context otherwise requires:

1. "Child nutrition program" means any program that provides federal assistance for the provision of nutritious meals to children.
2. "Food distribution program" means any program that provides federally donated agricultural commodities, products, and other foods, or cash payments in lieu of foods, to eligible participants.
3. "School" means a public school or a not-for-profit nonpublic school.

15.1-35-02. Federal funds - Contracts - Expenditures.

The superintendent of public instruction shall administer federal funds designed to provide nonprofit child nutrition programs and food distribution programs for eligible participants. The superintendent of public instruction may enter a contract with any agency of the federal government so that the state may use available federal funds to the fullest extent possible. The superintendent of public instruction shall receive, deposit, and disburse any funds received in accordance with state and federal law.

15.1-35-03. Administration of program - Rules - Disbursement of funds.

In order to provide for the establishment, maintenance, operation, and expansion of any child nutrition and food distribution program, the superintendent of public instruction may:

1. Contract with any public or private entity.
2. Adopt rules.
3. Employ personnel.
4. Provide technical advice and assistance to any public or private entity.
5. Assist in the training of personnel.
6. Disburse state and federal funds.
7. Take any other necessary action, in accordance with state and federal law.

15.1-35-04. Board of a school district - Use of funds.

The board of a school district may expend any funds or gifts received by it under this chapter and any funds received from the sale of meals under a child nutrition and food distribution program.

15.1-35-05. Accounts and records - Rules - Reporting - Availability.

The superintendent of public instruction shall adopt rules regarding recordkeeping, accounting, and reporting by any public or private entity participating in a child nutrition or food distribution program. All accounts and records must be available for inspection and audit at any time by authorized officials and must be preserved for the period of time prescribed by the superintendent of public instruction. The superintendent of public instruction shall conduct or cause to be conducted audits, inspections, and administrative reviews of accounts, records, and operations with respect to child nutrition and food distribution programs, as necessary to determine whether the participants are complying with the terms of any contracts entered under this chapter, to determine whether the participants are following the rules adopted under this chapter, and to ensure that child nutrition and food distribution programs are effectively administered.

15.1-35-06. Studies - Appraisals - Reports to governor.

In cooperation with other public and private entities, the superintendent of public instruction may:

1. Study methods to improve and expand child nutrition and food distribution programs;
2. Study methods to promote nutrition education in schools;

3. Conduct appraisals regarding the nutritive benefits and other benefits of child nutrition and food distribution programs; and
4. Report the findings and recommendations to the governor.

15.1-35-07. Food service personnel - Training.

Each individual who manages the food service operation of a public or nonprofit private entity, with which the superintendent of public instruction has entered a contract under this chapter, shall undergo initial and continuing training regarding the safe handling, preparation, and service of food. The superintendent of public instruction shall adopt rules prescribing the nature, scope, and frequency of the training.

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program Act [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2.
 - a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs other than those in subsection 1, provided any person that wishes to enter a contract with the board under this subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
 - b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services under this section.

15.1-35-09. Beverages - Snack breaks.

During the 2013-15 biennium, a school district may utilize resources provided in accordance with subdivision I of subsection 1 of section 15.1-27-03.1 to ensure that students who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] receive one serving of milk or juice if a mid-morning snack break is provided.