

HOUSE BILL NO. 1553

Introduced by

Representatives Hager, Brown, Christy, Holle, Longmuir, Mitskog, Novak, Schreiber-Beck,
Schneider

Senators Hogan, Marcellais

1 A BILL for an Act to amend and reenact sections 15.1-07-38 and 21-10-13 of the North Dakota
2 Century Code, relating to school meal funding for all students in public and nonpublic schools
3 and the legacy earnings fund; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 15.1-07-38 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-07-38. ~~School districts~~Schools and nonpublic schools - Policy - School meals at**
8 **no cost to students.**

9 A school district participating in the Richard B. Russell National School Lunch Act
10 [~~42 U.S.C. 1751 et seq.~~] shall adopt a school meals policy and publish the policy on the school
11 district's website. A school meals policy must ensure:

- 12 1. A school may not deny a United States department of agriculture reimbursable meal to
13 a student who requests one, unless the student's parent or guardian has provided
14 written permission to the school to withhold a meal. A school may not serve an
15 alternative meal to a student with an unpaid student meal balance or without funds to
16 pay for a meal. This provision does not apply to an a la carte food item or second meal
17 requested by a student during the same meal period.
- 18 2. A school may not dispose of or take away from a child any food that already has been
19 served to the child on account of the child having an unpaid student meal balance or
20 lacking the funds to pay for a meal.
- 21 3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or
22 full-price meal, or a meal for which the child lacks funds to pay, including the use of

1 tokens, stickers, stamps, or by placing the child's name on a published list of persons-
2 with student meal debt.

3 4. ~~A school may not limit a student's participation in any school activities, graduation-~~
4 ~~ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or~~
5 ~~access to materials, technology, or other items provided to students due to an unpaid~~
6 ~~student meal balance.~~

7 5. ~~A school may not require a student to provide services or perform work, including~~
8 ~~cleaning duties or chores, to pay for school meals debt.~~

9 6. ~~A school may contact a student's parent or guardian directly regarding unpaid meals-~~
10 ~~debt or a school meals account without funds to pay for additional meals. A school-~~
11 ~~may require a child deliver a sealed letter addressed to the child's parent or guardian-~~
12 ~~containing a written communication regarding the unpaid school meal debt. The letter-~~
13 ~~may not be distributed to the child in a manner that stigmatizes the child.~~

14 7. or nonpublic school shall offer breakfast and lunch to all students at no cost.

15 2. A school shall adopt policies to encourage or provide an incentive for a parent or
16 guardian of a student to apply for free or reduced meals through the Richard B.
17 Russell National School Lunch Act [42 U.S.C. 1751 et seq.], ~~including when a student-~~
18 ~~has unpaid school meals debt and the Child Nutrition Act of 1966 [42 U.S.C. 1771 et~~
19 ~~seq.].~~

20 **SECTION 2. AMENDMENT.** Section 21-10-13 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **21-10-13. Legacy earnings fund - State treasurer - Transfers.**

23 1. There is created in the state treasury the legacy earnings fund. The fund consists of all
24 moneys transferred to the fund under subsection 2 and all interest and earnings upon
25 moneys in the fund.

26 2. Any legacy fund earnings transferred to the general fund at the end of each biennium
27 in accordance with section 26 of article X of the Constitution of North Dakota must be
28 immediately transferred by the state treasurer to the legacy earnings fund.

29 3. For each biennium subsequent to the biennium in which the legacy fund earnings are
30 transferred under subsection 2, the amount available for appropriation from the legacy
31 earnings fund is seven percent of the five-year average value of the legacy fund

1 assets as reported by the state investment board. The average value of the legacy
2 fund assets must be calculated using the value of the assets at the end of each fiscal
3 year for the five-year period ending with the most recently completed even-numbered
4 fiscal year.

5 4. On July first of each odd-numbered year, from the amount available for appropriation
6 or transfer from the legacy earnings fund for the biennium, the state treasurer shall
7 transfer funding in the following order:

8 a. The first one hundred two million six hundred twenty-four thousand dollars or an
9 amount equal to the amount appropriated from the legacy sinking and interest
10 fund for debt service payments for a biennium, whichever is less, to the legacy
11 sinking and interest fund under section 6-09.4-10.1.

12 b. The next two hundred twenty-five million dollars to the general fund to provide
13 support for tax relief initiatives approved by the legislative assembly.

14 c. The next one hundred million dollars to the legacy earnings highway distribution
15 fund for allocations under section 54-27-19.3.

16 d. The next one hundred forty million dollars to the department of public instruction's
17 operating fund for school meals under section 15.1-07-38.

18 e. Any remaining amounts under this subsection as follows:

19 (1) Fifty percent to the general fund.

20 (2) The remaining fifty percent to the strategic investment and improvements
21 fund to be used in accordance with the provisions of section 15-08.1-08.

22 5. If the amounts transferred under subsection 2 exceed the amount available for
23 appropriation under subsection 3, the state treasurer shall transfer the excess and any
24 remaining amounts after the transfers and appropriations under subsection 4, as
25 follows:

26 a. Fifty percent to the general fund.

27 b. The remaining fifty percent to the strategic investment and improvements fund to
28 be used in accordance with the provisions of section 15-08.1-08.

29 **SECTION 3. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION**

30 **OPERATING FUND - SUPERINTENDENT OF PUBLIC INSTRUCTION - GRANTS FOR FREE**

31 **MEALS.** There is appropriated out of any moneys in the department of public instruction's

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Legislative Assembly

1 operating fund, not otherwise appropriated, the sum of \$140,000,000, or so much of the sum as
2 may be necessary, to the superintendent of public instruction for the purpose of providing grants
3 to school districts to defray the expenses of providing meals, free of charge, for all students
4 enrolled in public or nonpublic schools, for the biennium beginning July 1, 2025, and ending
5 June 30, 2027. The superintendent of public instruction shall develop guidelines and reporting
6 requirements for the grants.