

**N.D.A.G. Letter to Schmidt (March 23, 1989)**

March 23, 1989

Hon. Raymond Schmidt  
State Representative  
House Chambers  
State Capitol  
Bismarck, ND 58505

Hon. Erwin Hanson  
State Senator  
Senate Chambers  
State Capitol  
Bismarck, ND 58505

Dear Representative Schmidt and Senator Hanson:

Thank you for your March 20, 1989, letter requesting an opinion concerning the applicability of N.D.C.C. § 15-35-01.1 to a proposed new school to be built by the New Public School District 8.

N.D.C.C. § 15-35-01.1 provides that the construction, purchase, repair, improvement, renovation, or modernization of any school building within any school district estimated to cost more than \$25,000 may not be commenced until the project is approved by the Superintendent of Public Instruction. This statute also provides that if the Superintendent of Public Instruction does not approve a project and the school board desires, the school board may appeal the Superintendent's decision to the Board of Public School Education, which has the final decision in the matter.

The materials enclosed with your letter did not indicate the cost of the new school to be built by the New Public School District 8. A member of my staff has learned that the estimated cost exceeds \$25,000. If this fact is correct, N.D.C.C. § 15-35-01.1 would be applicable and the board would have to obtain the approval of the Superintendent of Public Instruction before beginning the project.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

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