

**OPINION  
51-124**

January 9, 1951           (OPINION)

OFFICERS

RE: Powers of Superintendent of Public Instruction

Your request for an opinion from the Attorney General as to the extent of your powers under sections 15-21071 and 15-21072 of the 1949 Supplement, which sections are set out herein, is hereby acknowledged.

"Section 15-21071. AGREEMENTS WITH FEDERAL AGENCIES AND SCHOOL DISTRICTS. The superintendent of public instruction in order to carry out the purposes of any federal statutes pertaining to public education may enter in agreements with any agency of the federal government and with the school board or board of education of any school district in the state, may make agreements with the federal government for and in behalf of the public school districts of the state and may adopt necessary rules of administration to insure the proper and efficient operation of such agreements and to comply with such conditions as may be necessary to obtain the full benefits of such federal statutes. Provided, however, that such contracts, agreements or arrangements shall in no way impair the rights, powers, duties or authority of local school districts and school boards in the management and control of their local schools."

"Section 15-21072. REGULATIONS PRESCRIBED FOR AGREEMENTS WITH FEDERAL AGENCIES. All contracts, agreements or arrangements affecting public tax supported schools or school systems under the supervision of the state superintendent of public instruction which may be made and entered into with agencies of the federal government shall be entered into in accordance with regulations prescribed by the superintendent of public instruction and in no other manner.

By reason of the fact that section 15-21071 contains the following statement, "The superintendent of public instruction in order to carry out the purposes of any federal statutes pertaining to public education may enter into agreements with any agency of the federal government \* \* \*," it is our opinion that you have authority to accept funds from the Federal Security Agency Office of Education for conducting an inventory and survey of school facilities under Public Law 815, Title I.

ELMO T. CHRISTIANSON

Attorney General