

FILED

Subject

Schools - Districts
Special Education
Facilities
Leg. 1974

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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

June 26, 1974

Opinion No. 74- 212

Sam C. Stitt, Chairman
Barton County Special
Education Cooperative Board
Unified School District 355
Ellinwood, Kansas 67526

Dear Mr. Stitt:

You advise that several years ago, the five districts in Barton County entered into an agreement for a cooperative special education program. You inquire whether the cooperative board has any legal authority to set salaries and issue contracts to personnel, and to contract for, lease or buy facilities.

House Bill No. 1672, enacted by the 1974 Legislature, states thus in section 9:

"The board of any two or more school districts within or without the state may make and enter into agreements providing for cooperative operation and administration in providing special education services for exceptional children on a shared-cost basis. Any such agreement shall be effective only after approval by the state board The agreement entered into shall be for a term of at least three (3) years but not exceeding five (5) years and shall provide for a separate fund of the sponsoring school district, to which each contracting district shall pay the moneys due from it under the agreement. Any school district which is a party to such a cooperative agreement may be designated the sponsoring district under such agreement."

Under section 10, any school district proposing to become a sponsoring district and to furnish approved special educational services must make application for approval of such services to the state board. Under such a cooperative agreement, the special

Sam C. Stitt
June 26, 1974
Page Two

education services are provided by the sponsoring district, and not by any representative board which is established by the cooperative agreement itself. Thus, legal authority to employ personnel, fix salaries, and to contract for, lease and purchase facilities remains with the sponsoring district.

For your information, we enclose a copy of 1974 House Bill 1672.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm
Enc.