



STATE OF KANSAS

## Office of the Attorney General

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Curt T. Schneider  
Attorney General

August 24, 1976

ATTORNEY GENERAL OPINION NO. 76- 266

Dr. Bob Severance, Director  
North Central Kansas Area  
Vocational-Technical School  
Post Office Box 626  
Beloit, Kansas 67420

Re: Schools--Vocational Education--Establishment of an  
Area Vocational-Technical School

Synopsis: The offering by an area vocational-technical school of an approved course or courses at a location separate and apart from the main campus facility does not constitute the establishment and operation of another area vocational-technical school in violation of the moratorium imposed by K.S.A. 72-4412 on the establishment of any additional area vocational-technical schools.

\* \* \*

Dear Dr. Severance:

During the spring of 1974, interested citizens from Hays Unified School District No. 489 requested the assistance of the North Central Kansas Area Vocational-Technical School (NCKAVTS) in establishing in the Hays area a post-secondary course in practical nursing. After receiving the requisite approval of the State Board of Education and Kansas State Board of Nursing, a class under the sponsorship of NCKAVTS was initiated in the fall of 1974. Subsequent thereto, additional classes have been proposed but are thus far still in the planning stages. For purposes here, the assumption will be made that the nursing course is conducted in adherence to applicable state laws and the rules and regulations of responsible state agencies. The narrow legal question specifically posed by these facts is whether NCKAVTS, by offering

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a vocational-technical course on the post-secondary level at a location other than the area vocation-technical campus violates K.S.A. 72-4412(c).

K.S.A. 72-4412(c) provides

"'Area vocational-technical school' means any vocational education school which immediately prior to the effective date of this act was designated as a type II area vocational-technical school under authority of laws repealed by this act. The schools to which this definition applies are the four schools designated as:

- (1) Central Kansas area vocational-technical school
- (2) Southeast Kansas area vocational-technical school
- (3) Northwest Kansas area vocational-technical school
- (4) Northcentral Kansas area vocational-technical school.

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the districts participating therein on the effective date of this act. The state board of education may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically named in this subsection." [Emphasis supplied.]

The authorization is limited to the establishment and operation of the four schools named therein. Conversely, the limitations prohibits construing the statute so as to authorize the establishment or operation of any area vocational-technical school except as specified in K.S.A. 72-4412(c) (1)-(4). Nothing contained in this statute or related statutes specifically limits or restricts the operation of an area vocational-technical school to one physical, contiguous unit. The concept of "establishment and operation" clearly connotes more than the solitary act of offering a course or courses of study at a location separate and apart from the main campus. The situation is strikingly analogous to the state sponsored universities and colleges

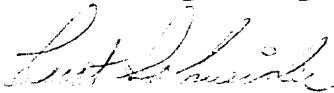
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offering off-campus and extension courses at locations apart from the main campus. In both cases the courses are offered under the auspices and control of the sponsoring institution. In this instance, the course offered in Hays is under the complete and total control of the NCKAVTS.

It cannot be gainsaid that the Legislature intended the limitation of subsection (c) to deny or discourage vocational-education opportunities in locations where there has been demonstrated sufficient interest and need to support the course's offering. The separate approvals by the State Board of Nursing and State Board of Education illustrates an affirmative determination of this vocational need in the Hays area.

Thus, it is my opinion that the offering by an area vocational-technical school of an approved course or courses at a location separate and apart from the main campus facility does not constitute the establishment and operation of another area vocational-technical school in violation of the moratorium imposed by K.S.A. 72-4412 on the establishment of any additional area vocational-technical schools.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

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