



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 29, 1977

ATTORNEY GENERAL OPINION NO. 77- 320

Mr. Merle R. Bolton
Commissioner of Education
Department of Education
120 East 10th Street
Topeka, Kansas 66612

Re: Community Junior Colleges--Credit Hour State Aid--Rate

Synopsis: The rate of reimbursement of credit hour state aid to community junior colleges is \$15.50 for all credit hours concerning which the determination date, as fixed by guidelines adopted by the State Board of Education, falls prior to July 1, 1977. Reimbursement to Washburn University pursuant to K.S.A. 1976 Supp. 72-6503 as amended by ch. 233, § 2, L. 1977, shall be made at the rate of \$15.50 for all credit hours the determination of which is made prior to July 1, 1977, the effective date of the amendment increasing the rate to \$16.50.

* * *

Dear Commissioner Bolton:

You inquire whether community junior colleges are entitled to reimbursement at the rate of \$15.50 or \$16.50 for each credit hour of each duly enrolled student who is a bona fide resident of the State of Kansas if 25 per cent of the course was completed prior to July 1, 1977. The 1977 legislature amended K.S.A. 1976 Supp. 71-602 to increase the basis for distribution of credit hour state aid to community junior colleges from \$15.50 to \$16.50. Ch. 233, § 1, L. 1977. The statute continues to provide that the "determination of credit hours of duly enrolled students shall be made at such times as are prescribed by the state board of education." The State Board of Education has adopted guidelines,

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pursuant to 1973 House Bill 1210, for this determination. For the fall semester, the certification of duly enrolled credit hours of students who meet the state residence requirement for the purpose of determining entitlement to credit hour state aid is "September 15 or the first school day thereafter." The determination for the spring semester "shall be made on February 1 or the first school day thereafter." The guidelines further state thus:

"Certification of duly enrolled credit hours of students of the community junior college who meet the state residence requirement for the purpose of determining credit hour state aid and outdistrict state aid for course offerings of variable length or Summer courses that occur at times not consistent with the Fall or Spring session certification dates shall be made on the day that 25% of that course has been completed."

As you indicate, for those courses which began in early June, 1977, the determination date for state aid falls prior to July 1, 1977. Because the state aid reimbursement rate of \$16.50 is effective only on July 1, 1977, the lower rate in effect prior to that date, \$15.50, must be applied in determining the eligibility for credit hour state aid for any determination date which falls prior to July 1, 1977.

You also ask whether Washburn University is entitled to reimbursement at the rate of \$15.50 or \$16.50 for each credit hour of each duly enrolled student who is a bona fide resident of the State of Kansas if the date for determination of credit hours was before July 1, 1977. The 1977 legislature also amended K.S.A. 1976 Supp. 72-6503 to provide, in pertinent part, that the "basis for payments from municipal university funds shall be sixteen dollars and fifty cents (\$16.50) for each credit hour of each duly enrolled undergraduate student who is a bona fide resident of the state of Kansas during the current school term" This provision requires that the determination of such credit hours be made at the end of the fifth week of the regular spring and fall semesters and at the end of the equivalent period for summer sessions." Once again, this amendment was effective July 1, 1977. In my opinion, for the determination of credit hours which falls prior to that date, the rate in effect prior to the effective

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date of the new amendment, i.e., \$15.50, must be applied as the basis for payments from municipal university funds.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj