



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 9, 1978

ATTORNEY GENERAL OPINION NO. 78-8

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

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

Synopsis: Students enrolled in a Kansas community junior college who reside within the territory of a federal military enclave are not residents of the State of Kansas, and thus may not be considered as residents for the purposes of distribution of credit hour state aid pursuant to K.S.A. 1977 Supp. 71-602.

* * *

Dear Commissioner Bolton:

In Opinion No. 77-376, I concluded that a county is not liable for payment of out-district tuition for students residing on a federal military reservation which is located in such county and who attend community junior colleges in this state.

You inquire whether such students may be considered residents for the purposes of out-district state aid and credit-hour state aid under K.S.A. 1977 Supp. 71-601 et seq.

K.S.A. 1977 Supp. 71-602 states in pertinent part thus:

"The basis for distribution of credit hour state aid for community junior colleges shall be sixteen dollars and fifty cents

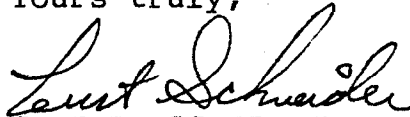
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(\$16.50) for each credit hour of each duly enrolled student who was a *bona fide resident of the state of Kansas* during the current school session." [Emphasis supplied.]

For the reasons stated in Opinion No. 77-376, I must necessarily conclude that students enrolled in a Kansas community junior college who reside within the territory of a federal military enclave, such as Fort Riley, are not residents of the State of Kansas, and thus may not be considered as residents for the purposes of distribution of credit hour state aid pursuant to K.S.A. 1977 Supp. 71-602. Similarly, such students may not be considered as the basis for apportioning out-district state aid, which, pursuant to K.S.A. 1977 Supp. 71-607, is to be in an amount equal to the amount of out-district tuition which each community junior college is entitled to bill to counties.

I concur in your view that a student who is employed on a military reservation but lived off the reservation, in an adjoining Kansas county, may be considered a Kansas resident after the normal six-month period prescribed by K.S.A. 71-401.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj