



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

CURT T. SCHNEIDER  
ATTORNEY GENERAL

September 25, 1978

MAIN PHONE (913) 296-2215  
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78-301

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

Re: Schools-Powers--Use of Volunteers

Synopsis: A board of education of a unified school district may authorize the use of volunteer, unpaid and uncertificated persons to assist certificated teachers in offering an enriched instructional program to gifted students in said district.

\* \* \*

Dear Commissioner Bolton:

You advise that U.S.D. No. 437 has received approval of a federal grant of approximately \$15,000 to be used in support of a program which will utilize the services of volunteer, unpaid and noncertified personnel to assist teachers in providing instruction to gifted students. The question has been raised concerning the authority of the district to utilize such persons to serve as instructional assistants to the teaching personnel of the district.

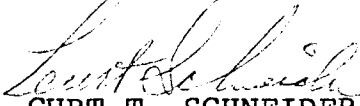
There is, of course, no express statutory authority providing for the use of volunteers in an instructional program. However, boards of education are given general authority to "provide rules and regulations for teaching in the unified district and general government thereof." K.S.A. 72-8205. There is no suggestion here that the role envisioned for volunteers in the program in any way compromises the responsibility of certificated teaching personnel for the educational program of the school. Clearly,

Mr. Merle R. Bolton  
Page Two  
September 25, 1978

the volunteers who will be called upon are law and professional persons with recognized expertise in their various fields who will lecture on a guest basis, offer specialized guidance in field trips and projects, and otherwise assist the teaching personnel of the district.

Certainly, boards of education are creatures of statute, and have only those powers expressly granted by statute and those necessarily and reasonably implied therefrom. At the same time, K.S.A. 72-8205 vests in the board a substantial measure of general authority to provide for the instructional resources for the school, as it deems appropriate, subject, of course, to the general supervision of the State Board of Education. This authority clearly authorizes the board, in my judgment, to authorize the use of volunteer persons to assist teachers as an auxiliary educational resource for programs for gifted students in the district.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: Mr. Wayne Probasco  
Probasco and Buck  
708 Merchants Towers  
Topeka, Kansas 66612