



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

February 14, 1979

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

ATTORNEY GENERAL OPINION NO. 79-20

Mr. David W. Kester, Director
Legal Services Section
Kansas State Department of Education
120 East Tenth Street
Topeka, Kansas 66612

Re: Schools--School Unification Acts--Written contracts
for expenditures involving an amount greater than
one thousand dollars (\$1,000)

Synopsis: Special education paraprofessionals, to whom a
board of education can reasonably expect to pay
more than one thousand dollars (\$1,000) for their
services, must have a written employment contract.

* * *

Dear Mr. Kester:

You inquire as to the applicability of K.S.A. 1978 Supp. 72-6760(a) to the salaries paid school personnel, particularly special education paraprofessionals. More specifically, you ask whether these persons must have a written employment contract with the board of education by whom they are employed.

K.S.A. 1978 Supp. 72-6760(a) provides:

"No expenditures involving an amount greater than one thousand dollars (\$1,000) shall be made by the board of education of any school district, except in accordance with the provisions of a written contract."

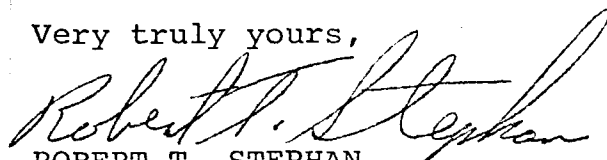
Mr. David W. Kester, Director
Page Two
February 14, 1979

In our judgment, the language of the foregoing subsection is plain and unambiguous and conveys a clear legislative intent to require that boards of education have an explicit, written agreement to refer to, and rely upon, in expending school funds in a rather sizeable amount, i.e., over one thousand dollars (\$1,000). We find nothing to indicate that the payment of salaries, wages or other compensation in excess of one thousand dollars (\$1,000) is to be excluded from the purview of this section. Thus, we have concluded that your long-standing interpretation of this provision is correct.

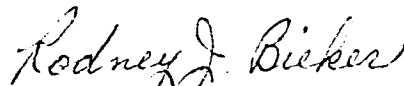
It should be noted that we find nothing in subsection (b) of K.S.A. 1978 Supp. 72-6760 to suggest a contrary conclusion. While subsection (a) of this statute requires that all expenditures by a board of education in excess of one thousand dollars (\$1,000) be made pursuant to written contract, subsection (b) thereof requires, in essence, that any such contract involving expenditures of more than five thousand dollars (\$5,000) "for construction or purchase of materials, goods or wares" shall be made upon sealed proposals with the lowest responsible bidder. Subsection (b), therefore, is merely a more restrictive refinement of the general requirement established by subsection (a). We cannot construe it as implying that the only expenditures by a board of education requiring a written contract are those in excess of one thousand dollars (\$1,000) "for construction or purchase of materials, goods or wares."

Based upon the foregoing, it is our opinion that pursuant to K.S.A. 1978 Supp. 72-6760(a), an employment agreement between a board of education and a special education paraprofessional, which agreement contemplates the payment of a sum greater than one thousand dollars (\$1,000) for the service of said employee, must be evidenced by a written employment contract.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Rodney G. Bieker
Assistant Attorney General

RTS:BJS:RJB:jm