



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

January 15, 1981

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 81- 13

Dr. Merle R. Bolton
Commissioner of Education
Kansas Department of Education
120 East 10th Street
Topeka, Kansas 66603

Re: Schools--Special Education--Reimbursement for
Actual Travel Allowances Paid to Special Education
Teachers

Synopsis: The State Board of Education is not granted authority
under K.S.A. 72-978(a) to reimburse school districts
for travel allowance paid to special education teachers
to attend meetings, in-service workshops, special
institutes, and other professional meetings. Cited
herein: K.S.A. 72-978.

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Dear Dr. Bolton:

You seek our opinion on whether the State Board of Education
has the authority, pursuant to subsection (a) of K.S.A. 72-978,
to reimburse school districts for travel allowances paid to
special education teachers to attend meetings, in-service work-
shops, special institutes, and other professional meetings.

K.S.A. 72-978, in relevant part, provides:

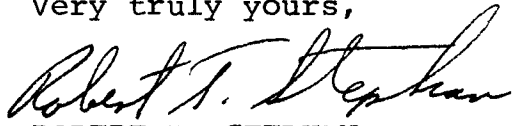
"In each school year, in accordance with
appropriations for special education services
provided under this act, each school district
which has provided special education services
in compliance with the requirements of the state

Dr. Merle R. Bolton
Page Two
January 15, 1981

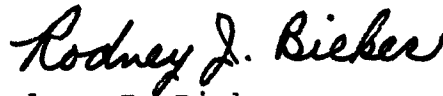
plan and the provisions of this act, shall be entitled to receive: (a) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified in K.S.A. 1976 Supp. 75-3203 for each mile actually traveled during the school year in connection with teaching duties in providing special education services for exceptional children. Such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to eighty percent (80%) of such actual travel allowances" (Emphasis added.)

In our judgment, travel to and from professional meetings of the nature you describe clearly is not "in connection with teaching duties in providing special education services for exceptional children," although such meetings may enhance the quality of the teaching. Thus, we are constrained to conclude that the State Board of Education is not granted authority under K.S.A. 72-978(a), to reimburse school districts for travel allowance paid to special education teachers to attend meetings, in-service workshops, special institutes, and other professional meetings.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Rodney J. Bieker
Assistant Attorney General

RTS:BJS:RJB:jm