



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 87- 15

Darrell E. Miller
Jewell County Attorney
208 North Commercial
P.O. Box 344
Mankato, Kansas 66956

Re: Schools -- General Provisions -- High School
Activities Association; Payment of Membership Dues
by Boards of Education; Kansas Eight-Man Football
Association

Synopsis: Statutory provisions regulating high school
activities associations do not prohibit boards of
education of unified school districts from paying
membership dues to the Kansas Eight-Man Football
Association. Cited herein: K.S.A. 72-130; 72-132;
72-133.

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Dear Mr. Miller:

As the attorney for Jewell County, you request our opinion
whether K.S.A. 72-132 prohibits boards of education of unified
school districts from paying membership fees to the Kansas
Eight-Man Football Association for their respective
coaches. It is our opinion that the payment of such fees is
not prohibited.

K.S.A. 72-132 provides in part as follows:

"[I]t shall be unlawful for any board of
education of any school district, or for
any school administrator or official of

any school district to pay or authorize or approve the payment of any amount from any public or activity fund of the school district to a private association or corporation having for its purpose the promotion, development and direction of activities and contests between such schools in this state and which shall not comply with the provisions of K.S.A. 72-130 to 72-134, inclusive."

According to the statute, boards of education may not use public funds to pay membership fees to organizations not in compliance with the statutes concerning high school activity associations. K.S.A. 72-130 through K.S.A. 72-134. However, these statutes do not prohibit payment of such fees to an organization which complies with the act or which is not covered by the act.

Only those organizations which meet the description in K.S.A. 72-130 are subject to the statutory provisions regulating activity associations:

"Any association with a majority of the high schools of the state as members and the purpose of which association is the statewide regulation, supervision, promotion or development of any of the activities referred to in this act and in which any public high school of this state may participate directly or indirectly"
K.S.A. 72-130.

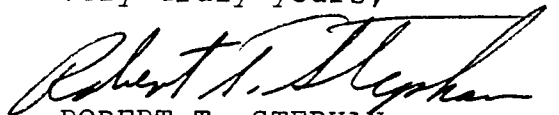
"Activities" is defined as "school activities and contests in the fields of athletics, music, forensics, dramatics and any other interschool extracurricular activities"
K.S.A. 72-133.


The Kansas Eight-Man Football Association does not meet any of the three criteria of K.S.A. 72-130. Only those schools with eight-man football may participate. Of the 372 high schools in the state, 111 are listed in the eight-man football class. Thus, the potential for membership in the Kansas Eight-Man Football Association is not a majority of the high schools in the state. Finally, the association in question does not have as its purpose the promotion, development, and direction of interschool activities and

contests, as the all-star game is not a contest between schools.

In summary, K.S.A. 72-132 prohibits boards of education from paying membership fees to organizations which are subject to the act and are not in compliance with the laws. Boards of education are not, however, prohibited from using public funds to pay their coaches' memberships fees to organizations not subject to the act. Since the Kansas Eight-Man Football Association is not subject to the statutory provisions regulating high school associations, it is our opinion that K.S.A. 72-132 does not prohibit boards of education from paying membership dues to this organization.

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Rita L. Noll
Assistant Attorney General

RTS:JLM:RLN:crw