



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 88- 128

Steve Boyce
Coffey County Attorney
P.O. Box 452
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Re: Counties and County Officers -- Sheriff --
Qualifications for Office; Education

State Boards, Commissions and Authorities -- Law
Enforcement Training Center; Training Commission --
Qualifications of Applicants for Training Courses

Synopsis: No person is eligible for nomination, election, or
appointment to the office of sheriff unless the
person possesses a high school education or its
recognized equivalent. A G.E.D. certificate is a
recognized equivalent. The successful completion
of an intelligence test as part of the
pre-training evaluation prior to admittance to a
Law Enforcement Training Center training course
does not constitute the recognized equivalent of a
high school education. Cited herein: K.S.A. 1987
Supp. 19-801b; 74-5605; Kan. Const., Art. 6, §2;
K.A.R. 1987 Supp. 91-10-1; K.A.R. 91-10-2; K.A.R.
1987 Supp. 107-3-1.

* * *

Dear Mr. Boyce:

As Coffey County Attorney you have requested our opinion
regarding the qualifications for the office of sheriff.

Specifically, your question centers on K.S.A. 1987 Supp. 19-801b(a):

"No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

. . .

2) possesses a high-school education or its recognized equivalent. . . ."
(Emphasis added.)

You inform us that a candidate for the office of sheriff in Coffey county does not have a high school education or a G.E.D. certificate. The individual, however, has satisfactorily completed the law enforcement training course at the Kansas Law Enforcement Training Center. You question what constitutes the "recognized equivalent" of a high school education for purposes of K.S.A. 1987 Supp. 19-801b(a).

The State Board of Education has been granted the power of "general supervision of public schools, educational institutions and all the educational interests of the state. . . ." Kans. Const., Art. 6, § 2. The Board has by administrative regulations provided for general educational development tests, K.A.R. 91-10-1 et seq. The recognized test is "the general educational development (G.E.D.) test of the G.E.D. testing service of the American council on education, Washington, D.C. . . ." K.A.R. 1987 Supp. 91-10-1(a). The regulations specify the eligibility requirements of applicants and the score that must be attained to "pass" the test. "An authorized applicant meeting test score requirements shall be issued a Kansas state high school equivalency diploma." K.S.A. 91-10-2. (Emphasis added.) Therefore, we conclude that a G.E.D. certificate is the "recognized equivalent" of a high school education as required by K.S.A. 1987 Supp. 19-801b(a).

The candidate in question is of the opinion that he meets the educational requirement to hold the office of sheriff as he successfully completed an intelligence test to be admitted to the Law Enforcement Training Center (Center). We disagree.

K.S.A. 1987 Supp. 74-5605 requires each applicant for admission to a training course conducted by the Center to be employed by a law enforcement agency. In addition, the statute provides in part:

"Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the associate director a statement from the applicant's appointing authority or agency head certifying the applicant's fulfillment of the following requirements. The applicant:

. . . .

"(d) is the holder of a high-school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement. . . ."
K.S.A. 1987 Supp. 74-5605.
(Emphasis added.)

In accordance with K.A.R. 1987 Supp. 107-3-1(a), applicants must successfully complete a pre-training evaluation prior to admittance:

"To complete the pre-training evaluation successfully, each applicant shall:

(1) comply with the criteria for basic law enforcement training applicants set out in K.S.A. . . . 74-5605; and

(2) successfully complete an intelligence test approved by the association director. . . ." K.A.R. 1987 Supp. 107-3-1(b).

The pre-training intelligence test does not take the place of, but is a requirement in addition to holding a high school diploma or its equivalent. The candidate in question received a certificate that he successfully completed the law enforcement training course. However, this person was not eligible for admittance as he did not meet the educational requirement of K.S.A. 74-5605.

In summary, no person is eligible for nomination, election, or appointment to the office of sheriff unless the person possesses a high school education or its recognized equivalent. A G.E.D. certificate is a recognized equivalent. The successful completion of an intelligence test as part of

the pre-training evaluation prior to admittance to a Law Enforcement Training Center training course does not constitute the recognized equivalent of a high school education.

Very truly yours,



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ATTORNEY GENERAL OF KANSAS



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