

Subject

~~FILED~~  
Schools  
Community Junior  
Colleges

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STATE OF KANSAS

*Office of the Attorney General*

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VERN MILLER  
Attorney General

December 10, 1974

Opinion No. 74- 388

Dr. C. Taylor Whittier  
Commissioner of Education  
State Department of Education  
120 East 10th Street  
Topeka, Kansas 66612

Dear Commissioner Whittier:

You pose the following question:

"If a community junior college contracts with a vocational-technical school to conduct a course in fashion merchandising and receives state and federal reimbursement through the area vocational-technical school according to the formula for reimbursement for area vocational-technical schools for vocational education programs, (as any other area vocational-technical school program) may the community junior college also receive credit hour state aid, out-district tuition and out-district state aid on students enrolled in that program?"

K.S.A. 72-4421 authorizes boards of education of school districts and community junior colleges to enter into vocational education agreements, subject to the following pertinent guides:

"(d) Such agreement may provide for payment between boards of moneys for vocational education tuition or fees, or for establishing, conducting, maintaining or administering an area vocational school or any vocational education course or program.

(e) Such agreement may provide that the tuition of pupils residing in any of the contracting districts, when such students attend vocational education course or program not offered in one of the contracting districts, shall be paid by the board receiving funds under this agreement."

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In Opinion No. 70-72-16, dated July 16, 1970, Attorney General Kent Frizzell considered whether a junior college may receive both state aid computed under K.S.A. 1969 Supp. 72-6518 (then \$8 per credit hour) and state reimbursement for vocational education courses and programs under K.S.A. 1969 Supp. 72-4415. He found nothing "to prohibit the State Board of Education from authorizing reimbursement to junior colleges under K.S.A. 72-4415 as a supplement to aid otherwise received." We find no change in the statutes which were considered in that opinion, and accordingly conclude that a community junior college may receive both credit hour state aid, out-district tuition, and out-district state aid, as well as state and federal reimbursement through the area vocational-technical school according to the appropriate formula.

You inquire, secondly, whether a community junior college which contracts with an area vocational-technical school to offer a program for which the area vocational-technical school received state and federal reimbursement may count the credit hours of the students who are enrolled in that program for computation of the general fund authority. The community junior college having contracted for the vocational education program to serve students enrolled in the junior college, the college is entitled to count the credit hours of students enrolled in that program, as a part of the educational offering of the college, for computation of its general fund budget authority.

Lastly, you inquire whether if a community junior college contracts with a vocational-technical school for a course in fashion merchandising and receives state and federal reimbursement through the vocational-technical school as any other area vocational-technical school may charge post-secondary tuition under 1974 Senate Bill 958, appearing as ch. 298, L. 1974. When a community junior college contracts with a vocational-technical school for a course, such as fashion merchandising, and receives state and federal reimbursement through the area vocational-technical school and counts the credit hours of enrollment in that course for purposes of computing the general fund budget authority of the college, the course so offered must be deemed to be that of the college, and not of the vocational-technical school. The enrollment in such a course in these circumstances is considered for all fiscal purposes of the college to be enrollment in the college, and not enrollment in the area vocational-technical school.

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Section 2 of ch. 298, L. 1974, states thus:

"Every school shall be entitled to receive post-secondary aid each year in an amount equal to ninety percent (90%) of the product of local cost per enrollment hour and total post-secondary enrollment."

The term "school" means, under § 1(k) "an area vocational school or an area vocational-technical school." If a "school" thus defined offers a course pursuant to contract with a community junior college, and the college counts the enrollment in that course as enrollment in the college for its academic and fiscal purposes, the "school" may not adopt that same enrollment as its own for its separate fiscal purposes. The course is offered pursuant to a contract between the college and the school. The students served are those of the school, and for every academic and fiscal purpose, the enrollment in the course is accounted as that of the college. The enrollment of a community junior college may not be used as the basis for post secondary aid to a "school" under ch. 298, L. 1974.

Yours very truly,

  
VERN MILLER  
Attorney General

VM:JRM:tp