



STATE OF KANSAS

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Attorney General

October 1, 1976

ATTORNEY GENERAL OPINION NO. 76-309

Honorable Bert Chaney
State Senator
915 East 13th
Hutchinson, Kansas 67501

RE: Schools--Purchase of Health Insurance--Inclusion of
Members of the Board of Education.

Synopsis: The boards of education of Kansas unified school
districts are not authorized to include board members
in group employee health insurance plans procured
pursuant to K.S.A. 72-8414.

* * *

Dear Senator Chaney:

You have inquired whether it is legal for a school board
member to participate in the employee group health insurance
program.

K.S.A. 72-8414 provides:

"The board of education of any school dis-
trict or the board of trustees of any
community junior college may procure con-
tracts insuring its certificated employees
and other employees or any class or classes
thereof under a policy or policies of group
life, group health, disability income,
accident, accidental death and dismember-
ment, and hospital, surgical, and/or medical
expense insurance. The dependents of any
such certificated employee or other
employee may be insured under group
policies which provide hospital, surgical
and/or medical expense insurance. The
certificated employees and other employees
contributions to the premiums for such

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insurance issued to the employer, or any group of employers, as the policyholder, may be deducted by the employer from the employees' salaries when authorized in writing by the respective employees so to do."

The language of this statute clearly separates or distinguishes the board of education, and thus, its members, from both certificated and non-certificated employees. Further, the board is only authorized to procure health insurance for "employees", which by implication excludes non-employees. Board members must be included within this latter category for several reasons. First, the status of being an "employee" requires its counterpart, an "employer". Board members are given the broad responsibility of governing the management operation of the school district. In that capacity, they lack two major indices generally associated with being an "employee"; to wit: salary, and regular weekly work schedule. It would be contrary to the obvious intent of K.S.A. 72-8414 to permit inclusion of board members in employee health insurance plans. Thus, I must conclude that the boards of education of Kansas unified school districts are not authorized to include board members in group employee health insurance plans procured pursuant to K.S.A. 72-8414.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS/HTW/cgm