



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 7, 1977

ATTORNEY GENERAL OPINION NO. 77-183

Mr. Jerry L. Griffith
Attorney at Law
101 North Baltimore
Derby, Kansas 67037

Re: Schools--Teachers--Compensation

Synopsis: A board of education of a unified school district has no authority to pay the salaries of professional teaching employees for days when such employees are engaged in professional negotiation duties on behalf of the teachers of such district with the board of education. Similarly, the board may not agree to pay the salaries of professional teaching employees for days when such teachers are absent from duty on teacher association business and accept reimbursement therefor from the absent teachers, because there is no procedure whereby reimbursement may be made both to the district for salary paid to the substitute and to the state for its retirement contributions respecting such salary.

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Dear Mr. Griffith:

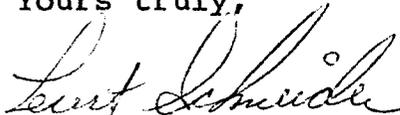
You inquire, first, whether a unified school district may pay the full salaries for teachers who are members of the teachers' team for professional negotiations, as well as the salaries of substitute teachers for such teachers, for days when they are not engaged in teaching duties, but are engaged in professional negotiations with the board of education on behalf of its professional employees.

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I know of no authority for the board of education to pay the salaries of representatives of a private association or other organization, when engaged in work in behalf of that association or organization, and not engaged in their teaching employment. When engaged in professional negotiations, teachers who serve on the teachers' negotiating team are not engaged in the duties of their teaching employment. I can find no authority for the board of education to pay the salaries of representatives of its professional employees for their services rendered in negotiations with the board of education itself, whether those representatives themselves be teachers, or whether they be persons other than teachers, such as non-teaching professional persons whose services have been specially retained, e.g., by a teachers' association specifically for professional negotiations.

Secondly, you inquire whether a board of education may agree to pay the full daily salary of teachers for days when they are absent from duty on teacher association business, if the teacher agrees to pay the salaries of substitutes, or to reimburse the district for the cost of substitutes. This is not permissible, either. Complete reimbursement for the cost of a teacher substitute would include the costs of retirement contributions, for example, which are borne by the state, and there is no procedure whereby a teacher taking leave can reimburse both the district for the substitute's compensation, and the state for its retirement contributions.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: Mr. Dale Dennis
Department of Education
120 East Tenth Street
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