



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 1, 1977

ATTORNEY GENERAL OPINION NO. 77-220

Mr. Dale Dennis
State Department of Education
120 East Tenth Street
Topeka, Kansas

Re: Schools and Colleges--Post-Secondary Aid--Eligible Students

Synopsis: Under 1977 Senate Bill 318, students who are ineligible for payment of tuition for enrollment at area vocational technical schools under the Comprehensive Employment and Training Act of 1973, or any other federal act, fall within the definition of "post-secondary student" as found at K.S.A. 1976 Supp. 72-4430(f), as amended by said bill, and must be included in the "total post-secondary enrollment" on which the state post-secondary aid is determined.

* * *

Dear Mr. Dennis:

You inquire concerning 1977 Senate Bill No. 138, effective July 1, 1977, which operates to amend the definition of "post-secondary student" found at K.S.A. 1976 Supp. 72-4430(f) to provide thus:

"'Post-secondary student' means a student who is regularly enrolled in a school and who is not eligible to have tuition under K.S.A. 72-4422 or who is not eligible to have tuition paid from moneys, funds or appropriations

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made available under the federal comprehensive employment and training act of 1973, and amendments thereto, or under any other federal program" [Added by amendment.]

This definition is an important factor in determining the amount of post-secondary aid to be paid each year under K.S.A. 1976 Supp. 72-4430, for K.S.A. 1976 Supp. 72-4431 states thus:

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

The apparent purpose of the 1977 bill was to eliminate state post-secondary aid contributions respecting students who were eligible to have their tuition paid under any applicable federal program, and most particularly, the Comprehensive Employment and Training Act of 1973. This purpose has been thwarted by section 603(11) of that act, Public Law 93-203. Anticipating the reduction in state effort, the Regional Administrator has advised that the United States Department of Labor, Employment and Training Administration, will withhold payment for enrollment of CETA participants in programs at area vocational technical schools. As a result of the reduction in state effort, the affected CETA participants become ineligible to have their tuition paid under the Comprehensive Employment and Training Act of 1973, or any other applicable federal program. Thus, the affected students who are not eligible for CETA contributions toward their tuition again become "post-secondary students" within the definition in K.S.A. 1976 Supp. 72-4430, as amended by 1977 Senate Bill 318, and must be included in calculating the "total post-secondary enrollment" on which the state post-secondary aid is determined.

Yours truly,


CURT T. SCHNEIDER
Attorney General

RS:JRM:kj