

STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

September 12, 1977

ATTORNEY GENERAL OPINION NO. 77-293

Mr. John J. Conard
Executive Officer
Kansas Board of Regents
Suite 1416 - Merchants National
Bank Tower
Topeka, Kansas 66603

Re: Board of Regents--Osteopathic Medical Students--Loan
Agreements

Synopsis: The Board of Regents is authorized to enter into loan agreements under section 2 of ch. 267, L. 1977, independently of agreements between said Board and one or more colleges of osteopathic medicine pursuant to section 1 of said act for the admission of Kansas students.

* * *

Dear Mr. Conard:

I have your letter of September 9, 1977, raising a further question concerning implementation of ch. 267, L. 1977.

In Opinion No. 77-285, I concluded that the State Board of Regents was without authority to enter into agreements with colleges of osteopathic medicine respecting students who had been admitted to such college or colleges prior to execution of the agreement. You inquire whether, nonetheless, the Board may proceed to enter into loan agreements with first-year students under section 2, which provides in pertinent part thus:

"(a) Each Kansas student *entering into an agreement under this act with the state board of regents* may receive from the board

Mr. John J. Conard
Page Two
September 12, 1977

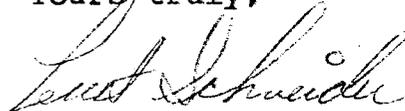
a loan in an amount not exceeding three thousand dollars (\$3,000) for each year such student is enrolled in the college of osteopathic medicine" [Emphasis supplied.]

Under section 1, an agreement with a college of osteopathic medicine shall provide "for admission of not to exceed ten Kansas students in the freshman class, where such students have entered into an agreement with the state board of regents" which agreement requires the student to prepare himself or herself for the general practice of osteopathic medicine, and to enter into practice in Kansas for a minimum of two consecutive years, commencing within six months of completion of his or her intern or family practice residency training program. No student is entitled to admission to a college of osteopathic medicine under an agreement reserving positions for Kansas students between the Board of Regents and such college under section 1 unless such student has entered into the agreement with the Board itself as described above and as outlined in section 1(a)(1) and (2) of the act.

Obviously, a student entering into a loan agreement under section 2 must be admitted to a college of osteopathic medicine in order to receive a loan. However, section 2 does not expressly require that the student receiving a loan be admitted to a position which has been provided for Kansas students by a section 1 agreement between the college and the Board of Regents; it is necessary only that he or she be admitted, whether the admission was facilitated by a section 1 agreement between the college and the Board, or was achieved by the student independently.

It is entirely likely that the legislature contemplated that loan agreements under section 2 would be entered into with students whose admission was pursuant to an agreement between the college of osteopathic medicine and the Board. However, nothing in the express language of section 2 restricts loan agreements to students whose admission is to a position in the first year class of a college of osteopathic medicine for which the Board of Regents had agreed to pay the sums prescribed in section 1(b) of the act. Thus, in my judgment, loan agreements may be entered into under section 2 with first year students immediately and independently of agreements for admission pursuant to section 1.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj