

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 23, 1978

ATTORNEY GENERAL OPINION NO. 78-122

Mr. Merle R. Bolton
Commissioner of Education
State Department of Education
120 East 10th Street
Topeka, Kansas 66612

Re: Teachers--Certificates--Fees

Synopsis: The increased fee of \$13, adopted by the State Board of Education at its meeting on September 13, 1977, pursuant to K.S.A. 1977 Supp. 72-1387, may be assessed only for certificates issued on and after July 1, 1978, and may not be assessed for certificates issued prior to that date, regardless of the effective date of certificates so issued prior to July 1, 1978.

* * *

Dear Commissioner Bolton:

The 1977 legislature amended K.S.A. 72-1387 to provide in pertinent part thus:

"Each application to the state board of education for certification, renewal of certification or duplication of certification shall be accompanied by a fee which shall be established by the state board of education and shall be in an amount of not less than five dollars (\$5) nor more than thirteen dollars (\$13). On or before January 1 of each year, commencing in 1978, the state board of education shall determine the amount of revenue which

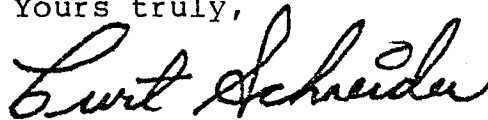
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will be required to properly administer the provisions of article 13 of chapter 72 of Kansas Statutes Annotated during the next ensuing year, and shall establish the certification fee for such year in the amount deemed necessary for such purposes. *Such certification fee shall become effective on the succeeding July 1 of each year.* [Emphasis supplied.]

You advise that acting pursuant to this section, on September 13, 1977, the State Board of Education acted to increase the certification fee from the existing sum of \$5.00 to the maximum of \$13.00. Under the italicized language, this increased fee becomes "effective on the succeeding July 1 of each year," and in this instance, July 1, 1978. Thus, the Board has continued to collect the existing fee of \$5 for all certificates now being issued, including certificates which will be effective only on or for the succeeding school year, *i.e.*, on or after July 1, 1978.

Apparently, the question has been raised whether the increased fee of \$13 must be assessed for all certificates which become effective on or after July 1, 1978, even though they are issued prior to that date. It is not clear what prompts this question, for the italicized language quoted above is explicit, that the increased fee which is fixed by the Board prior to January 1 of any year, including January 1, 1978, shall become effective only on the succeeding July 1. Thus for any certificate issued by the State Board at the present time, and indeed until July 1, 1978, only the existing fee of \$5 may be assessed. The increased fee is assessed only for all certificates issued on or after July 1, 1978. The date of issuance determines the fee to be assessed, and not the date the certificate is to become effective.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj