



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 14, 1978

ATTORNEY GENERAL OPINION NO. 78-232

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

Re: Schools--Interlocal agreements--Duration

Synopsis: A special education cooperative formed pursuant to K.S.A. 12-2904 and 72-8230 may add new members during the term of an existing agreement.

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Dear Mr. Bolton:

You inquire whether the ANW Special Education cooperative in Iola may add an adjacent school district as a participating party to their existing three year interlocal agreement.

The ANW Special Education Cooperative was established pursuant to K.S.A. 12-2904 and 72-8230 which requires that a separate entity be created to carry out the cooperative venture. 72-8230(c) provides for the duration of such agreements as follows:

"(c) The duration of any such agreement for joint or cooperative action in providing special education services or vocational education services shall be for a term of at lease three (3)

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years but not exceeding five (5) years."

In our view, this provision was intended by the legislature to insure stability in the legal entities created by such cooperative agreements between school districts. Thus, school districts which are parties to such agreements may not withdraw from such agreements for a period of at least three years.

The overall purpose of the legislative authorization for school boards to enter into such cooperative agreements, however, is to allow these boards to provide education services in an economic and cost efficient manner. Therefore, if an adjacent school district wishes to join an existing cooperative, and the other parties to the existing cooperative agreement are willing for such district to join, we feel that the addition of such school district is consistent with this legislative purpose, and is permissible under the provisions of K.S.A. 12-2904 and K.S.A. 72-8230.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

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