



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- 233

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

Re: Area Vocational Schools--Boards of Control--
Student Transportation

Synopsis: In the absence of any state regulation which limits or controls the transportation of students to and from an area vocational technical school, we conclude that the board of control of such school may provide for such transportation and may develop policies and procedures for the implementation of such a program.

* * *

Dear Mr. Bolton:

You inquire concerning the legality and implementation requirements of student transportation program proposed by the Board of Control of Southeast Kansas Vocational Technical School. You point out that there is no specific authorization for transportation of students by area vocational technical schools contained in a statute, rule, regulation, the state plan for vocational education or a federal act or regulation.

The Southeast Kansas Area Vocational Technical School is

Mr. Merle R. Bolton
July 14, 1978
Page Two

established pursuant to K.S.A. 72-4412(c). This statute provides in pertinent part as follows:

"'Area vocational-technical school' means any vocational education school which immediately prior to the effective date of this act was designated as a type II area vocational-technical school under authority of laws repealed by this act. The schools to which this definition applies are the four schools designated as:

(1) Central Kansas area vocational-technical school

(2) Southeast Kansas area vocational-technical school

(3) Northwest Kansas area vocational-technical school

(4) Northcentral Kansas area vocational-technical school. The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the districts participating therein on the effective date of this act. The state board of education may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically named in this subsection. Unless approved by the state board of education, no area vocational-technical school, so designated under authority of this act, shall construct or reconstruct or acquire any building or land until this provision is amended or repealed from the law. Nothing in this act shall be deemed to prevent any school district from becoming a part of an area vocational-technical school which immediately prior to the effective date of this act was designated as a type II area vocational-technical school under authority of laws repealed by this act; nor shall any school district which is now or hereafter a

Mr. Merle R. Bolton
July 14, 1978
Page Three

part of such an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom, except as has been otherwise contracted by such school district." [Emphasis supplied]

In our view, this statute grants the board of control of an area vocational technical school board powers to govern such school within the limitations of and for the purposes set out in the act. K.S.A. 72-4412(g) defines vocational education with respect to the travel of students as follows:

"'Vocational education' means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with the state board or a board or board of control and is conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the United States commissioner of education determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as,

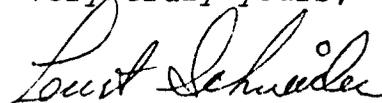
Mr. Merle R. Bolton
July 14, 1978
Page Four

or preparing to become, teachers in a vocational program or preparing such teachers to meet special education needs of handicapped students; teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment." [Emphasis supplied]

In our view, the term "engaged in a training program" embraces travel to and from a vocational education facility; and therefore such travel is "vocational education" for the purposes of the act.

Thus, in absence of any state regulation which limits or controls the transportation of students to and from an area vocational technical school, we conclude that the governing body of the school may provide for such transportation. They may also develop policies and procedures for the implementation of such a program.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:WEM:jm