



STATE OF KANSAS

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January 16, 1981

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ATTORNEY GENERAL OPINION NO. 81- 12

Dr. John S. Shaw  
Superintendent of Schools  
Unified School District No. 395  
P.O. Box 790  
LaCrosse, Kansas 67548

Re: Schools--Boards of Education--School Attendance  
Facilities

Synopsis: For the purposes of K.S.A. 72-8213, if a school building was the property of a school district disorganized pursuant to the School Unification Acts, but is owned now by a unified school district, said building is, and will continue to be an "attendance facility" within the meaning of that statute, as long as it is owned by the unified school district, and children attend classes therein. Cited herein: K.S.A. 72-8213. (See also Attorney General Opinion No. 80-249.)

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Dear Dr. Shaw:

We are in receipt of your letter of December 17, 1980, in which you acknowledge receipt of Attorney General Opinion No. 80-249, and seek an opinion on two further questions regarding a reorganization under consideration in the district. Specifically, you inquire whether LaCrosse West school presently is an attendance facility under K.S.A. 72-8213(e), and would it continue to be an attendance facility if the proposed reorganization plan is implemented.

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As we stated in Attorney General Opinion No. 80-249, K.S.A. 72-8213(a) provides, in part:

"For the purpose of this section the following terms shall have the following meanings: The term 'attendance facility' means a school building which has been property of a school district disorganized pursuant to this act, but which, at the time under consideration, is owned by the unified school district." (Emphasis added.)

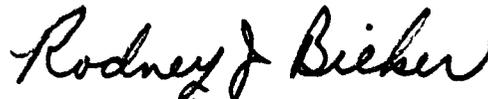
Pursuant to the above-quoted language, although "attendance facility" is defined in subsection (a) of the statute, said definition is applicable to the term "attendance facility" as employed in subsection (e) of the statute. Thus, if a school building was the property of a school district disorganized under the provisions of the School Unification Acts, and is now the property of a unified school district, said school building is, and will continue to be, an attendance facility as long as it is owned by the unified school district, and children attend classes therein.

In your letter, you state that LaCrosse West school was in use at the time that Unified School District No. 395 was organized. We assume, therefore, that the school building (LaCrosse West school) was the property of a school district (perhaps "LaCrosse Grade School District No. Joint 8," based upon the information provided in "A Report of the Rush County Planning Board," which you provided us). We further assume that said school building is now owned by Unified School District No. 395. If the foregoing assumptions on our part are correct, and given the fact children attend classes in the building, and will continue to do so under the proposed reorganization plan, LaCrosse West school presently is an attendance facility and would continue to be such under the proposed plan.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Rodney J. Bieker  
Assistant Attorney General

RTS:BJS:RJB:jm