



STATE OF KANSAS

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March 4, 1981

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ATTORNEY GENERAL OPINION NO. 81-58

Mrs. Ann Keener, President
Board of Education
Unified School District No. 395
P.O. Box 790
LaCrosse, Kansas 67548

Re: Schools--Boards of Education--Change in the Use of
Attendance Facilities

Synopsis: The provisions of subsection (e) of K.S.A. 72-8213 authorize a board of education to change the use of an attendance facility of the unified school district only so long as the change will result in at least three high-school grades, three junior high-school grades, or six elementary school grades being offered in such attendance facility. (See, also, Attorney General Opinion Nos. 81-12 and 80-249.) Cited herein: K.S.A. 72-8213.

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Dear Mrs. Keener:

In a letter to our office, you indicate the Board of Education of Unified School District No. 395 is considering a plan to change the use of several attendance facilities located in the district. You acknowledge receipt of Attorney General Opinion Nos. 81-12 and 80-249, issued to the Superintendent of Schools of Unified School District No. 395, and indicate the Board now understands the meaning of the terms "attendance facility" and "attendance center," as employed in K.S.A. 72-8213. You also indicate, however, that one of the changes under consideration would result in one of the school district's attendance facilities being used to offer

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only grades kindergarten, 1, 2 and 5, or only grades 2, 3, 4 and 5. Grades kindergarten, 5, 6, 7 and 8 currently are offered in the attendance facility, and you ask whether such a change in use of the attendance facility is authorized under subsection (e) of K.S.A. 72-8213.

The above-referenced subsection provides:

"Nothing in this section [K.S.A. 72-8213] shall be deemed to restrict or limit the authority of any board to change the use of any attendance facility, so long as at least three (3) high-school grades, three (3) junior high-school grades, or six (6) elementary school grades are offered in such attendance facility." (Emphasis added.)

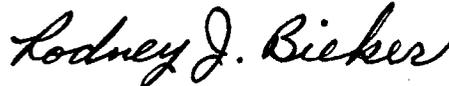
In our judgment, this subsection of the law is clear and unambiguous. It provides that any board of education may change the use of any attendance facility, so long as the change in use will result in at least three high-school grades, three junior high-school grades, or six elementary school grades being offered in the attendance facility.

The change in use under consideration by the Board of which you are president would not obtain the results required by the provisions of K.S.A. 72-8213(e). Neither three high-school grades, three junior high-school, nor six elementary school grades would be offered in the attendance facility if the proposed change was implemented. Therefore, it is our opinion that the proposed change in use is not authorized under the provisions of subsection (e) of K.S.A. 72-8213.

Very truly yours,


ROBERT T. STEPHAN

Attorney General of Kansas



Rodney J. Bieker

Assistant Attorney General

RTS:BJS:RJB:jm