



STATE OF KANSAS

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August 12, 1981

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ATTORNEY GENERAL OPINION NO. 81-188

Mr. Dean Parks, Superintendent
Unified School District No. 263
P. O. Box 129
Mulvane, Kansas 67110

Re: Schools -- Boards of Education; Organization,
Powers, Finances -- School District Officers

Synopsis: A board of education may appoint a deputy clerk to record the minutes of school board meetings. Once the minutes have been prepared, they should be reviewed for accuracy by the board of education. After the minutes have been reviewed and approved by the board, the clerk is required to maintain and preserve those minutes as a journal of the proceedings of the board of education. Cited herein: K.S.A. 72-8202c, 72-8202e.

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Dear Mr. Parks:

On behalf of the Board of Education of Unified School District No. 263 (Mulvane), you seek an opinion on whether the Board may appoint a "Deputy Board Clerk," whose sole function is to record and prepare the minutes of school board meetings.

Subsection (a) of K.S.A. 72-8202c requires each board of education to appoint a clerk. However, K.S.A. 72-8202e expressly authorizes a board of education to appoint officers other than those specifically provided for by statute. Thus, it appears the Board has express authority to appoint a deputy clerk.

However, the provisions of subsection (b) of K.S.A. 72-8202c raise a more difficult question as to whether the clerk must take and prepare the minutes of school board meetings. That subsection requires the clerk to "keep an accurate journal of

the proceedings of the board of education." (Emphasis added.) While this language perhaps could be interpreted to require the clerk to take and prepare the minutes of each school board meeting, we do not believe that interpretation should be given to the above-quoted language. Instead, we believe that language should be interpreted as requiring the clerk to keep a book or series of books in which the official minutes of the board of education are accumulated and preserved for future reference. We do not believe the legislature, by enactment of the above-quoted language of K.S.A. 72-8202c, intended to require the clerk to perform the ministerial function of recording and preparing the minutes of each school board meeting. It intended to require the clerk to keep an accurate account of those matters considered, or acted upon, or both, by the board of education.

To interpret K.S.A. 72-8202c as requiring the clerk, and only the clerk, to take and prepare the minutes of school board meetings does not insure the accuracy of those minutes. Only a careful review of the minutes by the board of education will insure the accuracy of minutes. Therefore, in our judgment, it matters not who takes and prepares the minutes of a meeting, so long as the board of education reviews the minutes, as prepared, and makes such adjustments thereto as may be necessary to reflect accurately that which transpired before the board. As is apparent from that which has been said heretofore, we also are of the opinion that the board of education has a responsibility to review the minutes of its meetings to insure the accuracy thereof. If a board fulfills this responsibility, it does not matter who initially took the minutes and prepared them for the consideration of the board.

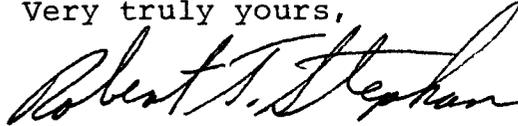
Additionally, if K.S.A. 72-8202c was interpreted as requiring the clerk to take the minutes of each school board meeting, such interpretation necessarily also would mean that only the person who had been appointed clerk would be authorized to take those minutes. Such would be an unreasonable interpretation of the statute. It would mean that if the clerk was physically unable to attend a meeting of the school board to record the minutes, the school board could not proceed with its meeting. We doubt seriously that such was the intent of the legislature.

Thus, in response to your inquiry, it is our opinion that a board of education may appoint a deputy clerk to record the minutes of school board meetings. However, once the minutes have been prepared, they should be submitted to, and carefully reviewed by, the board of education, so that the accuracy of the minutes can be verified. Finally, after the minutes have

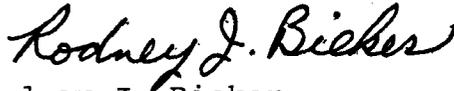
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been reviewed for accuracy by the board, and the board's approval given thereto, the clerk is required to maintain and preserve those minutes as a journal of the proceedings before the board of education.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Rodney J. Bieker
Asssistant Attorney General

RTS:BJS:RJB:hle