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ATTORNEY GENERAL OPINION NO. 85- 51

The Honorable Fred A. Kerr
Senator, Thirty-third District
Route 2
Pratt, Kansas 67124

Re: State Boards, Commissions and Authorities -- Law
Enforcement Training Center; Training Commission --
Certification for Permanent Appointment; Annual
Training

Synopsis: A community college may offer courses related to law
enforcement which would satisfy the annual training
requirement imposed on law enforcement officers by
K.S.A. 1984 Supp. 74-5607a(b). Cited herein:
K.S.A. 1984 Supp. 74-5604a; 74-5607a.

* * *

Dear Senator Kerr:

As State Senator for the Thirty-third District, you have requested our opinion on whether Kansas community colleges "may offer subjects relating directly to law enforcement so that persons who complete those courses fulfill the annual training requirements imposed [on law enforcement officers] by subsection (b) of K.S.A. 1984 Supp. 74-5607a."

Your request is related to the conclusion reached in Attorney General Opinion No. 84-79, which concerned the requirements of K.S.A. 1984 Supp. 72-5604a(a). That opinion addressed the question of whether a law enforcement training program offered at a community college may be certified as a "state or local law enforcement agency training school" pursuant to K.S.A. 1984 Supp. 74-5604a(a). That statute provides in pertinent part:

"The associate director [of the division of continuing education of the University of Kansas] shall . . . certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers and law enforcement officers of not less than 320 hours of instruction, and whose training programs also satisfy the qualifications and standards promulgated by the associate director after approval of the commission." (Emphasis added.)

Based upon the specific language quoted above, Opinion No. 84-79 concluded that only training schools of state or local law enforcement agencies are eligible for certification under the statute. The opinion stated:

"Thus, we also concur that a law enforcement training program which is offered solely as an approved course of a community college and which is not provided on behalf of a law enforcement agency is not eligible for certification as a state or local law enforcement agency training school."

The opinion went on to point out that under certain circumstances, i.e., a contractual relationship between the community college and the state, a law enforcement training program offered at a community college on behalf of a state law enforcement agency, could be certified pursuant to K.S.A. 1984 Supp. 74-5604a(a).

The training programs certified pursuant to 74-5604a(a) provide the basic instruction required of all persons before they may receive a permanent appointment as a full-time law enforcement officer in the state. The requirements of K.S.A. 1984 Supp. 74-5607a are distinguishable in several respects. The relevant portions of that statute provide:


"Beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension from work without pay until such training is completed. The associate director with the approval of the commission shall adopt rules


and regulations regarding such education or training. Every city, county and state agency shall annually send to the associate director certified reports of the completion of such education or training. The associate director shall maintain a record of the reports in the central registry." (Emphasis added.)

This statute clearly imposes a continuing education requirement upon law enforcement officers. The associate director is empowered to adopt rules and regulations regarding the additional education and training mandated by the statute. Unlike the statute addressed in Opinion No. 84-79, K.S.A. 1984 Supp. 74-5607a does not require the associate director to certify annually "the training schools of state and local enforcement agencies" whose courses satisfy the standards promulgated and approved by the Kansas Law Enforcement Training Commission. Due to these distinctions between the relevant statutes, we can perceive no statutory barrier to law enforcement training courses offered regularly by a community college or a state university being acceptable to satisfy the annual training requirements imposed by K.S.A. 1984 Supp. 74-5607a(b).

We conclude therefore that a community college may offer courses related to law enforcement which would satisfy the annual training requirement imposed on law enforcement officers by K.S.A. 1984 Supp. 74-5607a(b).

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Mary F. Carson
Assistant Attorney General