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January 24, 1961

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**ARIZONA ATTORNEY GENERAL**

Mr. George M. Ireland  
Yavapai County Attorney  
Prescott, Arizona

Dear Mr. Ireland:

This is to acknowledge your letter of January 10, 1961, in which you request an opinion as to the four following questions:

1. May the Camp Verde School District charge tuition to the Beaver Creek children attending school in the Camp Verde School District?
2. By agreement, may it charge only tuition in the amount of Average Daily Attendance monies, and may any further tuition charge by the Camp Verde Schools be paid directly by parents sending their children to the Camp Verde Schools?
3. May the school districts enter into an agreement as to charging tuition and as to the method of payment?
4. Are Average Daily Attendance figures to be remitted to the Beaver Creek School District monthly?

The above questions pivot around a construction of A.R.S. § 15-449. This section states that the Board of Trustees of a common or high school shall admit pupils from another district upon presentation of a certificate of educational convenience issued by the County School Superintendent. The provisions state that the attendance of the pupil for the purpose of determining Average Daily Attendance and for apportionment of State and County Aid, including equalization aid, to be attendance in the district of residence. The statute further sets forth the method of charging tuition, which shall be the per capita

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cost of the school district attended as determined for the current school year. This is to be reflected in the school budget as permissible operational expenditures per pupil per annum for the present fiscal year. The school of attendance may also charge an additional sum for capital outlay but that amount cannot exceed \$100 per pupil per annum.

Paragraph 3 of A.R.S. § 15-449 (D) states that the tuition claims shall be presented through the County School Superintendent against the districts of residence. That paragraph declares that the County School Superintendent shall draw his warrant on the County Treasurer in favor of the district of attendance and shall be paid from the funds of the district of residence.

When a statute is plain and unambiguous in its language it must be construed as written. State of Arizona v. Angle, 54 Ariz. 13. In analyzing the pertinent provisions of A.R.S. § 15-449, the method of admission of students to another school district, the amount of tuition (the per capita cost of school district attended), and the method of paying this tuition are expressly described by the Legislature. There are no provisions in the Arizona Revised Statutes for the payment of tuition by parents, with the exception of non-resident children whose parents may be charged according to the provisions of A.R.S. § 15-302.

Therefore, this office is of the opinion that the Camp Verde School District may charge tuition for children residing in the Beaver Creek School District, provided the children have been issued a certificate of educational convenience. Furthermore, the amount of the tuition is the per capita cost of the Camp Verde School District as determined for the current school year. This cost can only be paid by the Beaver Creek School District through the County School Superintendent. Therefore, any agreement as to charging tuition or payment of tuition by parents would be in contravention of the provisions of A.R.S. § 15-449. There do not appear to be any statutes governing the remitting of Average Daily Attendance figures.

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As to that particular question, it doesn't matter when the figures are remitted as long as they are submitted in time for the Beaver School District to prepare its claims for state aid.

Very truly yours,

ROBERT W. PICKRELL  
The Attorney General

FRANK SAGARINO  
Assistant Attorney General

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