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ARIZONA ATTORNEY GENERAL

January 26, 1961

Honorable Cecil D. Miller, Representative
House of Representatives
State Capitol
Phoenix, Arizona

Dear Mr. Miller:

This is in reply to your request for an opinion as to whether the Board of Trustees of a School District may provide housing for teachers.

There are three statutes pertaining to the Board of Trustees and its powers. The Board's general powers and duties are described in A.R.S. § 15-442, as amended. A.R.S. §15-445 relates to the control of school properties and the itemization of items which may be contained in the School District's annual budget. A.R.S. §15-1201 outlines the form of the school budget. In none of the above three sections are there any specific provisions for providing housing for school teachers. In A.R.S. §15-445 among the provisions, the terms school sites, school purposes and school buildings are used. In the case of Alexander v. Phillips, 31 Ariz. 505, the Supreme Court of the state of Arizona defined a schoolhouse as a building appropriated for the use of a school or as a place to give instruction. The Court in that case included a stadium within the definition of a schoolhouse on the grounds that physical education was part of school education and competition in sports was a furtherance of education. This has been the extent of broadening the definition of school or schoolhouse. Other than the constitutional limitations, the power of the legislature over school districts is plenary. Southern Pacific Co. v. Pima County, 38 Ariz. 11.

This office, in Opinion No. 50-71, stated that the School Board could not budget items for the construction upon school land of a building for the housing of teachers, and in Opinion 53-101-L this office issued an opinion that there was no express or implied authority to use school district funds for furnishing a teachers' dormitory.

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It is the opinion of this office in the absence of specific legislative authorization, that there is no authority to provide housing for teachers by the Board of Trustees of a School District.

Very truly yours,

ROBERT W. PICKRELL
The Attorney General

FRANK SAGARINO
Assistant Attorney General

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