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LAW LIBRARY ARIZONA ATTORNEY GENERAL

February 20, 1962
Letter Opinion No. 62-31-L

REQUESTED BY: G. W. Harrell
Department of Public Instruction

QUESTION: Is it legal for the State Board of Education to adopt fewer than three (3) textbooks for a particular grade and subject if after advertising for bids less than three (3) textbooks for the grade and subject are submitted for adoption?

CONCLUSION: Yes.

To answer your question it is necessary to briefly examine the applicable statutory provisions. A.R.S. § 15-102 (18), as amended, states that the Board of Education shall prepare a list of three textbooks for each grade and each subject taught in the common schools. A.R.S. §15-442 A(2), as amended, requires boards of trustees to select the textbooks used in the district schools from the multiple lists as determined by the State Board of Education with the direct purchase of the textbooks being made from publishers under contracts negotiated by the state board; and A.R.S. §15-1103 A, as amended, requires the State Board of Education to enter into contracts with publishers for the purchase of textbooks by the local school districts from the lists selected by the state board.

It is the opinion of this office that if the State Board of Education requires the submission of bids before entering into contracts and before selecting a list of textbooks, the state board may enter into contracts with less than three publishers and adopt a list of less than three textbooks if there are fewer than three bids submitted by textbook publishers for the particular subject and grade.

ROBERT W. PICKRELL
The Attorney General

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