

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

DARRELL F. SMITH, THE ATTORNEY GENERAL
STATE CAPITOL
PHOENIX, ARIZONA

December 27, 1965

DEPARTMENT OF LAW LETTER OPINION NO. 66-6-L (R-42)

REQUESTED BY: Marjorie Edmiston, President
ARIZONA STATE BOARD OF COSMETOLOGY

QUESTION: Where a course of instruction in
cosmetology is conducted by the
same person at more than one
location, is each such location where
the course in cosmetology is conducted
a school within the meaning of A.R.S.
Sec. 32-527 (5) for which a surety
bond is required.

ANSWER: Yes.

Arizona Revised Statutes, Sec. 32-527 A(5) provides:

"It furnishes to the board and maintains in
force a bond in the penal sum of five thousand
dollars running in favor of the state with
surety by a corporate bonding company authorized
to do business in this state and conditioned that
the school licensed under this chapter shall
afford to its students the full course of instru-
ction required under this chapter, in default of
which the full amount of the tuition paid by
the student shall be refunded."

Arizona Revised Statutes, Sec. 32-501 (11) provides:

"'School of cosmetology' means a school teach-
ing cosmetology and licensed as such under
this chapter."

Opinion No. 66-6-L
(R-42)

December 27, 1965

Page Two

In order to answer the above question it is necessary to determine the meaning of the word "school" as it is used in A.R.S. Sec. 32-527A(5). School is a word that has several meanings. It may refer to a group, such as a "school of fish". It may mean an institution or it may refer to those who adhere to the teachings or writings of a certain person. A.R.S. Sec. 1-213 provides that words and phrases shall be construed according to the common and approved use of the language.

In Alexander v. Phillips, 31 Ariz. 503, 254 Pac. 1056, 1058, the word "school" was defined as follows:

"A place for instruction in any branch or branches of knowledge."

The Alexander definition is probably the most common definition of the word "school". In determining the meaning of a statute, a cardinal rule is to ascertain and give effect to the intention of the Legislature. Phoenix Title & Trust Company v. Burns, 96 Ariz. 332, 395 P. 2d 532. A.R.S. Sec. 32-527 A(5) indicates that the legislative purpose in requiring a bond of cosmetology schools was to protect cosmetology students against the loss of tuition in the event that the school fails to give the full course of instruction provided by statute. It would decrease the protection to the students of the bond requirement and thus tend to defeat the legislative purpose to construe the statute as permitting one to establish a chain of institutions providing cosmetology instruction upon the furnishing of one \$5,000.00 bond. For the purpose of construing the statute involved in this case,

Opinion No. 66-6-L

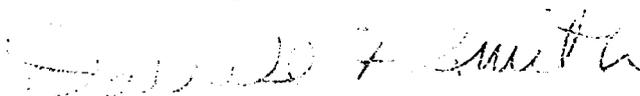
(R-42)

December 27, 1965

Page Three

We therefore adopt the above quoted definition of "school". Since a "school" is a place of instruction each separate place of instruction is a school for which a bond in the sum of \$5,000.00 is required under the provisions of A.R.S. Sec. 32-527 (5).

Respectfully submitted,



DARRELL F. SMITH

The Attorney General

DFS:bh