

April 3, 1944

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Mr. O. L. Carlisle  
Principal, Somerton Public Schools  
Somerton, Arizona

Dear Mr. Carlisle:

We have your recent letter wherein you inquire whether or not the board of trustees of a school district may legally pass a rule refusing admittance to a grade school pupil who is married. Section 7 of Article 20 of the Constitution of Arizona provides:

"\* \* \* for the establishment and maintenance of a system of public schools which shall be open to all children of the State \* \* \*"

Under similar constitutional provisions it has been held in the State of Mississippi that marriage was not a sufficient nor a proper reason for excluding the married child from attending the school as a pupil. *McLeod v. Mississippi*, 63 A.L.R. 1161.

We do not have anything in our statutes which would indicate that marriage would be a reason for expulsion or exclusion. Marriage could hardly be said to be misconduct and the only other reason for which the trustees can exclude children is for filthy and vicious habits.

Very truly yours,

JOE CONWAY  
Attorney General

EDWARD P. CLINE  
Assistant Attorney General

EARL ANDERSON  
Chief Assistant  
Attorney General