

March 20, 1950

Wilson
T. D. Romero, Secretary
Board of Directors of
State Institutions for Juveniles/R
Tucson Senior High School
Tucson, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Mr. Romero:

We have your letter dated March 8, quoting the following from the minutes of your Board:

"Motion was made by Mrs. Ryan, seconded by Mr. Brooks that no employee of the State Industrial School be dismissed during Mr. Wilson's term of office without the consent of the Board. Motion was passed unanimously."

You ask:

"Is this legal? How much authority does the Board have in the running of the school? Do we have the power to demand that certain changes be made, or do we have the power only to recommend?"

Answering your first question, we refer you to Section 47-408 ACA 1939, which reads as follows:

"Teachers and employees.--The board shall appoint all assistants, teachers, medical officers, or other employees required in the conduct of any institution, upon the recommendation of the superintendent thereof. The superintendent may discharge any employee for cause, but shall promptly file with the board a written report of his reasons therefor, and the board, in its discretion, may order an investigation of such discharge or removal."

It would thus seem that all appointments of employees of the Institution are made by the Board; the superintendent may

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discharge only for cause and, upon giving the required notice to the Board, the Board may order an investigation. It would thus seem that no dismissals could be made without referring them to the Board.

Section 47-404 provides, among other things, that the Board shall:

"(c) Supervise the instruction given in schools connected with the institutions, and order any changes in method which will improve the instruction given."

Section 47-407(b) provides that the superintendent of the Industrial School shall:

"Have charge of the institution and its management, subject to the direction of the board."

It therefore appears to us that the Board has the authority to direct the management of the institution and to order any changes in method which will improve the instruction given.

We trust the above answers your inquiry.

Yours very truly,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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