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Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

R75-363

75-158

BRUCE E. BABBITT
ATTORNEY GENERAL

June 19, 1975

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ARIZONA ATTORNEY GENERAL

Mr. Roger W. Dokken
Deputy Pinal County Attorney
Post Office Box 887
Florence, Arizona 85232

Dear Mr. Dokken:

We acknowledge receipt of the copy of your letter dated June 11, 1975, addressed to Mr. Robert Chastain, Superintendent, Ray Public Schools, Kearny, Arizona, regarding the admission of students from other school districts.

We agree with the conclusion stated in your letter.

Sincerely,

BRUCE E. BABBITT
Attorney General

MICHAEL M. SOPHY
Special Assistant Attorney General

MMS:CHW:lf



*Wideman
Daphy*



TELEPHONE
AREA CODE 602
858-5801, EXT. 215

P. O. BOX 887

R75-363

JAMES E. DON
COUNTY ATTORNEY

EDMOND J. BRASH
Acting Chief Deputy

ROY A. MENDOZA

ROGER DOKKEN

RAYMOND P. HERAND
Deputies

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OFFICE OF THE

County Attorney

ATTORNEY GENERAL
PHOENIX, ARIZONA

PINAL COUNTY
FLORENCE, ARIZONA 85232

June 11, 1975

Mr. Robert Chastain, Superintendent
Ray Public Schools
Kearny, Arizona 85237

Re: Admission of Students From
Other School Districts

Dear Mr. Chastain:

There are a number of ways in which a school board may admit students from another district without payment of tuition. The first way is for the student to obtain a Certificate of Convenience from Mary O'Brien pursuant to A.R.S. §15-304. However, this method is not applicable to your situation since adequate transportation is available and the student does not reside in an unorganized territory, nor is he in a corrective institution nor a ward of the Department of Economic Security.

The second way would be if the respective school boards entered into a contractual exchange agreement, which is also not applicable since no contractual agreement has ever been reached and is unlikely to ever occur since it will be difficult to apply it equitably to all students in this dilemma.

The third way of accepting students who do not wish to pay tuition would be to have the student change his legal custody to someone living within the school district. However, the Arizona Supreme Court in School District No. 3 of Maricopa County v. Dailey, 106 Ariz. 736, 471 P.2d 736 (1970) indicated that this could not be in name only, and that the student would have to move to and actually become a full-time resident of the school district of the guardian.

Although not obligated to do so, school districts can voluntarily accept students if they pay tuition as provided in A.R.S. §15-449 D, as amended. In the case of Ray Schools, I would assume it would cost approximately \$1400.00 per year.

Sincerely yours,

ROGER W. DOKKEN
Deputy County Attorney

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