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June 25, 1975

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ARIZONA ATTORNEY GENERAL

Mr. Albert Firestein
Chief Civil Deputy
Maricopa County Attorney
101 West Jefferson
Phoenix, Arizona 85003

Dear Mr. Firestein:

This will acknowledge receipt of a copy of your letter dated May 23, 1975, directed to Mr. O. Sam Fees, Superintendent of Tempe School District #3, dealing with the question of paying full contract salary to a teacher who is president of a teachers' association if he teaches less than the contracted time.

We agree with the conclusion stated in your letter.

Sincerely,

BRUCE E. BABBITT
Attorney General

BEB:CHW:lc

OFFICE OF THE MARICOPA COUNTY ATTORNEY

MOISE BERGER COUNTY ATTORNEY

400 SUPERIOR COURT BUILDING, 101 W. JEFFERSON, PHOENIX, ARIZONA



May 23, 1975

Mr. O. Sam Fees, Superintendent
Tempe School District #3
P. O. Box 27708
Tempe, Arizona 85282

Dear Mr. Fees:

This will acknowledge your memorandum question whether the District can pay full contract salary to the president of a teachers' association yet only be required to act as a substitute. I assume the contract is to fulfill a regular teacher's assignment.

To contract to pay a teacher for a specified teaching assignment, to pay that teacher the full contract sum and then to allow him to teach less than the contracted time would in effect be a gift to him.

The Board may not make a gift of school monies. Attorney General Opinion #73-21, Para. 1; Prescott Community Hospital Commission v. Prescott School District No. 1, 57 Ariz. 492.

It is therefore our opinion that the policy submitted is illegal as an improper expenditure of school money.

A copy of this letter is being sent to the Attorney General for review.

Very truly yours,

MOISE BERGER
Maricopa County Attorney

Albert Firestein
Albert Firestein
Chief Civil Deputy

AF/mfg

cc Attorney General
Bruce E. Babbitt