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July 10, 1975

Mr. Stephen S. Jenkins, Jr.
President
State Board of Education
1535 West Jefferson
Phoenix, Arizona 85007

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ARIZONA ATTORNEY GENERAL

Dear Mr. Jenkins:

This letter opinion is in response to your letter memorandum of March 26, 1975 to this office wherein you inquired whether a school district in Arizona is required to adhere to the course of study prescribed by the State Board of Education. Your question appears to relate to both common and high school districts; consequently, we will attempt to answer it in both contexts.

A.R.S. § 15-102.15 requires the State Board of Education to "prescribe and enforce a course of study in the common schools". A.R.S. § 15-1022 states, in pertinent part, that the State Board of Education "shall adopt a course of study in the common schools". The phrase "course of study" does not appear to be defined in the statutes, but State Board of Education Rule 221 uses it to mean content goals for a subject area's program and certain fundamental facts, theories and skills related to that subject area.

Even if we were to assume that A.R.S. § 15-1022 might be interpreted in such a fashion as to give a common school district the option of whether or not to utilize a course of study adopted by the State Board, no such interpretation can possibly be given to the mandate set forth in A.R.S. § 15-102.15. The latter section requires the State Board to "prescribe and enforce" the course of study in the common schools. The Legislature, by specifying that the State Board shall enforce the course of study, left no doubt that the common school district must abide by the course of study which the State Board prescribes. This conclusion also follows from a reading of A.R.S. § 15-442.A.2, which directs the board of trustees of a common school district to enforce the courses of study, which courses could only have been adopted by the State Board of Education since no power to adopt courses of study is given by statute to the board of trustees of a common school district. It is noteworthy, in

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this regard, that the Legislature has chosen to treat high school boards of education differently, as will be discussed more fully below, since A.R.S. § 15-545.B gives high school boards the power to prescribe courses of study, subject to the approval of the State Board of Education. In summary, therefore, the common school boards must utilize the courses of study prescribed by the State Board of Education.

The answer, as it relates to high schools, is different. While A.R.S. § 15-1022 states that the State Board of Education shall adopt a course of study for schools, high schools and common schools, A.R.S. § 15-545.B, on the other hand, states that the board of education of a high school shall prescribe the course of study for the high school, subject to approval by the State Board of Education. Quite obviously, there is an apparent conflict. But the overall legislative scheme, which gives high school boards the power, for instance, to prescribe textbooks for their courses of study (A.R.S. § 15-545.D), which power a common school board of trustees does not have, the latter board being limited to selecting from lists determined by the State Board of Education (A.R.S. § 15-442.A.2), strongly indicates that the Legislature desires high school boards of education to be given more independence than common school boards of trustees. Consequently, since A.R.S. § 15-545.B is so specific and definite in describing the manner in which courses of study shall be determined in high school districts and since it is our understanding that it is consistent with the long-standing actual practice of how courses of study have been adopted in all high school districts in this State. we think it controlling.

Our conclusion, therefore, is that a high school district may decide not to utilize a course of study adopted by the State Board of Education, unless it is a course specifically required by statute. See, for instance, A.R.S. § 15-1021.

Sincerely,

BRUCE E. BABBITT
Attorney General

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