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*WCO
7/21/51*

Mr. Myron R. Holbert
Assistant Superintendent
and Comptroller
Department of Public Instruction
Capitol Building
Phoenix, Arizona

Dear Mr. Holbert:

This acknowledges receipt of your letter of July 14 in which you ask the opinion of this office on the following questions:

"I - Under the powers and duties of the local board of trustees and the financial code, is there a possibility of the local school board operating teacherages for the benefit of holding school, any income charged as rental being placed in a special bank account to be used for repair and maintenance for the teacherages only?

II - If this is not possible, could they operate them rent free and leave it up to the Federal Agency who own them to maintain and keep them in repair?"

Our research discloses no authority in the board of trustees of a school district to operate teacherages for the benefit of holding school.

Since there is no authority in the school board to operate teacherages, as suggested in our answer to the first question, there is no authority for the board to operate teacherages rent free as indicated in your second question. However, if a Federal Agency, retaining title to the facilities, wants to build and maintain a teacherage, the teachers could certainly take advantage of the facilities thus offered.

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

PJM:f

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