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ARIZONA ATTORNEY GENERAL

May 1, 1952  
Op. No. 52-128

Mr. Hugh J. Crawford  
Superintendent, Consolidated  
School District No. 8  
Window Rock, Arizona

M. R.

Dear Sir:

We have your request for an opinion on the following questions:

"I would like to have your interpretation of Section 54-433 of the Arizona Code. Does this section of the School Law prohibit a Principal or Superintendent of a school with less than 500 pupils from employing a secretary? Does this section definitely fix the salary of such a secretary at \$900.00 per year or less?"

I would also like to know by what section of the Arizona Code does the County School Superintendent get the authority to require all teachers to submit copies of their contracts with the Boards of Trustees before he will issue their salary warrants?"

Section 54-433, referred to by you, is so clear that it needs no interpretation. The law specifically provides that the Board of the School District may employ a secretary only when it has an average attendance of five hundred or more pupils. The Board, by unanimous vote, may pay the clerk not to exceed \$100.00 per annum. It further

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provides that in school districts having a school population of one thousand or over the Board of Trustees may employ a secretary to perform other clerical duties in connection with the school as may be required and the salary shall not exceed \$900.00 per annum.

Section 54-416, 1951 Cumulative Pocket Supplement, provides:

" \* \* \* The board may, at any time after the annual election and qualification of the new members, enter into contracts with teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year, and fix their salaries. \* \* \* "

It is to be noted by the above quoted section of our law that the only authority to employ secretaries and employees is by the Board of Trustees; therefore, it is our opinion that you are without authority, as superintendent, to employ a secretary.

Answering your second question, we fail to find any law that expressly authorizes the superintendent to withhold the salary warrants if the teacher refuses to submit a copy of his contract. However, we have the following provisions that have to be met before a teacher may receive his salary. Section 54-1001 and Section 54-1005, so far as material to your question, provide:

"54-1001. Duties.--Every teacher shall:  
Present his certificate to the county superintendent, who shall record it, before assuming charge of a school;

\* \* \* \* \*

Make an annual report for the entire school year to the county superintendent at the time, and in the manner, and on the blanks

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prescribed by the state board of education, and such other reports as may be required by the superintendent of public instruction, county school superintendent or board of trustees."

"54-1005. No salary without certificate.--No warrant shall be drawn in payment of a teacher's salary by the county superintendent, unless such teacher is the holder of a legal certificate in force for the full term for which payment is demanded."

While there is no statute that requires a teacher to file a copy of his contract with the County Superintendent, he might need to have the contract exhibited to or filed with him so that he may know the amount of salary and length of employment, etc., in drawing salary warrants.

Trusting the above answers your questions satisfactorily, we are

Respectfully,

FRED O. WILSON  
Attorney General

MAURICE BARTH  
Assistant Attorney General

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