

Y. J. Ford
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June 23, 1952
Op. No. 52-192

Mrs. Frieda B. Erhardt, R. N.
Secretary-Treasurer, Arizona State
Board of Nurse Examiners
State House
Phoenix, Arizona

Dear Mrs. Erhardt:

This acknowledges receipt of your letter of June 18 in which you request the opinion of this office on the following questions:

- "1. Is there a law in the state which prohibits the state from appropriating or granting funds to private educational institutions?"
2. If there is, would such law prohibit the distribution of Federal funds by a State Department or other state created agency or body to private educational institutions?"

The answer to Question No. 1 is found in Article 9, Section 10, Arizona Constitution, which provides:

"Aid to sectarian schools.--No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation." (Emphasis supplied)

Thus, it is apparent that the answer is "yes".

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The answer to Question No. 2 is similarly "yes".

In 47 Am. Jur. 460, § 222, we find:

"Public Aid; Use of Public Buildings.--
It appears to be well settled that public funds or school funds may not be used in aid of private schools. In this connection it has been held that the maintenance of a private school is not a public purpose so as to justify the expenditure of any public money in its support. * * * "

Public funds are defined in 42 Am. Jur. 718, § 2, as follows:

"Public funds are moneys belonging to the United States or a corporate agency of the Federal Government, * * * "

Thus, it appears that Federal funds may not be expended for the benefit of private educational institutions. So it follows that no state department or other agency created by the state would be enabled to distribute Federal funds to a private educational institution.

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

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