

December 15, 1949

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Mr. Wilford R. Richardson
County Attorney, Graham County
Safford, Arizona

Dear Mr. Richardson:

We have your letter of November 17, 1949, enclosing a request for an opinion from Mr. W. H. Harless, President of the Gila Junior College, on the following:

"This is to ask your opinion with reference to the meaning of Chapter 52, 1949 Session Laws of the Arizona 19th Legislature under Section 1, DEFINITIONS, this statement occurs, 'School board means the board of trustees of an elementary school district'. Since this is an important piece of legislation with reference to the powers and duties of school boards, we are interested in having an answer to the following question: Does this legislation apply to junior college board of education in Arizona with reference to their contracts with teachers?"

In answering the above question, we first invite your attention to Section 54-102, subsection (7), Powers and Duties of State Board of Education, said section reads as follows:

7. To supervise and control the certification of teachers and prescribe rules and regulations therefor, and to revoke all certificates or life diplomas for immoral or unprofessional conduct, or for evident unfitness to teach;"

We next invite your attention to Section 54-416, 1949 Session Laws, 19th Legislature, Regular Session, so far as material to Mr. Harless' question reads as follows:

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"* * * nor shall any teacher employed who has not received certificate of qualification therefor, granted by the proper authorities". (Emphasis supplied)

The powers of the county junior college are set out in Section 54-708 ACA 1939, and so far as pertinent reads:

"Except as otherwise provided, the powers and duties of the junior college board shall be such as are prescribed by law for high school boards. * * * "

Section 54-919 provides that the junior college board of education shall possess and exercise in respect to such junior college, the powers and duties granted and imposed upon it as a high school board of education. The powers and duties of a high school board are set out in Section 54-907 ACA 1939, and as far as material reads:

"* * * For the management of high schools, the board shall have all the powers and duties vested in school trustees.* * *"

The powers of the board of trustees are set out in Section 54-416, 1949 Session Laws, 19th Legislature, Regular Session. Section 1 of Chapter 52, Laws of 1949, 19th Legislature, Regular Session defines "certificated teacher" as a person holding a certificate from the State Board of Education to teach in the schools of this State.

From a reading of the above sections of the Code defining certificated teachers and the powers and duties of the county junior college, junior college, high schools, and school trustees, we are of the opinion that Chapter 52, 1949 Session Laws of Arizona, 19th Legislature, Regular Session, applies to junior college boards of education in Arizona with reference to the contract with teachers.

Trusting the above answers your question satisfactorily, we remain,

Very truly yours,

FRED O. WILSON
Attorney General

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MAURICE BARTH
Assistant Attorney General