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June 2, 1955
Opinion No. 55-141

REQUESTED BY: The Honorable William P. Mahoney
County Attorney, Maricopa County
Phoenix, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General
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QUESTION 1: A newly-formed union high school district has been created, combining common school districts Nos. 44 and 79. For the purpose of obtaining state aid, may the governing board of such union high school district estimate its budget on the basis of the attendance which the governing board anticipates?

CONCLUSION: Yes.

QUESTION 2: Is state aid prohibited for the first fiscal year to newly formed union high school districts?

CONCLUSION: No, state aid is not prohibited.

Section 54-603(c) provides:

"Whenever a new school district is created, pursuant to the provisions of section 54-402, Arizona Code of 1939, as amended, the trustees shall adopt a budget in the form hereinabove provided which will provide funds sufficient for the operation of the district during its first year, but thereafter such district shall be subject to the provisions of this act."

and, by such wording, anticipates as a matter of state policy that a practical estimate must be made for newly formed common school districts.

There is, however, no specific provision in law for estimating the budget and the consequent state aid contribution for a high school in the case of a newly organized high school. The new house bill No. 13, Chapter 108, 22nd Legislature, 1st Regular Session, amending Section 54-604, provides for the creation of the county school reserve fund. The purpose of this fund, among other things, is, "for payment of necessary expenses in newly formed school districts;"

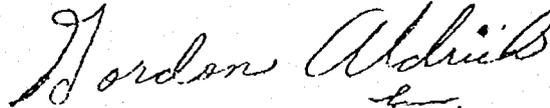
House Bill 13, supra, the portion amending Section 54-608(c), states:

"The special county school reserve fund may be used only for:

1. Necessary expenses in newly formed school districts."

We conclude, from the foregoing, that the statutes are not to be construed so as to prohibit state aid to a newly formed union high school district.

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