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July 24, 1955
Opinion No. 55-161

REQUESTED BY: Bernard T. Caine, Mohave County Attorney
Kingman, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General
Gordon Aldrich, Special Assistant
Attorney General

QUESTION 1: Can the school district handle the funds
for school child accident insurance, where
the premiums are paid by the parents?

CONCLUSION 1: No.

QUESTION 2: Can the school district budget and pay from
its funds the premiums for school child
accident insurance for the children whose
parents are unable to pay?

CONCLUSION 2: No.

A Board of Trustees of a school district is limited in its powers to those expressly granted by law or necessarily inferred from the powers so granted. Any act by a school board which enters a field not contemplated by the granted or inferred powers or goes beyond such powers is improper.

There is nothing to connect a school district in its official capacity with the handling of funds for the payment of accident insurance premiums on individual students. It is elementary that the public purpose for which a school district is created is for the education of the youth in the district, and the narrow limitation of powers imposed on such a political subdivision is such as to preclude it from any other activity not designed to effectuate this public purpose.

The same reasoning applies to the payment from school district funds of premiums on child accident insurance.

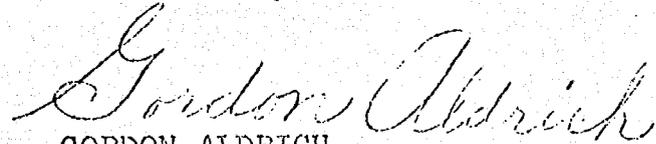
It is, therefore, the opinion of this office that neither a school district nor its employees may directly or indirectly solicit insurance of or from pupils or their parents as an official act of the district or where the school time of the employees or pupils is devoted to such purposes. It is further the opinion of this office that a school district may not budget and pay from its funds the premiums for school child accident insurance for children whose parents are unable to pay the same.

Bernard T. Caine
Mohave County Attorney

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It is also our opinion that it would be improper for a school district to receive and handle funds in the collection of premiums or the payment of losses on child accident insurance, and it is certainly beyond the scope of the authority of a school board to make a determination in behalf of its pupils that insurance is or is not of benefit and that a particular type or a particular company should be endorsed and assisted in its solicitation.

ROBERT MORRISON
The Attorney General



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