



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

BOB CORBIN
XXXXXXXXXXXXXX
ATTORNEY GENERAL

February 21, 1979

Mr. John Price
PRINCE, TINNEY, LINDBERG
& GIANAS
First National Bank Financial Center
4400 East Broadway, Suite 800
Tucson, Arizona 85711
Counsel for Sunnyside Unified School
District #12

ARIZONA ATTORNEY GENERAL
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Re: I79-053 (R78-331)

Dear Mr. Price:

We concur with your November 8, 1978 opinion addressed to the Superintendent at Sunnyside Unified School District #12 concluding that only superintendents and principals may be granted a contract of up to four years pursuant to A.R.S. § 15-444(B), and that the contracts for all other employees must be limited to no longer than one school year.

Sincerely,

BOB CORBIN
Attorney General

BC:pb

JOHN PRICE
WILLIAM H. TINNEY
JOHN E. LINDBERG
PETER T. GIANAS

LAW OFFICES OF
PRICE, TINNEY, LINDBERG & GIANAS

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TELEPHONE
AREA CODE 602
795-6630

November 8, 1973

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Lewis T. Sorensen
Superintendent
Sunnyside Unified School District #12
2238 East Ginter Road
P. O. Box 11280
Tucson, Arizona 85734

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ARIZONA ATTORNEY GENERAL

Dear Lew:

You wrote me on October 31, 1973, seeking an opinion of A.R.S. §15-444, Subparagraph B, which states:

"The term of employment of superintendents or principals may be for any period not exceeding four years."

You attached to your letter a list of administrative positions by title, and I attach a copy of this list to this letter. As I understand your question, you are seeking an opinion as to whether or not assistant principals and assistants to the superintendent, such as deans, directors, and coordinators, are included under the provisions of A.R.S. §15-444B.

I call your attention to A.R.S. §15-443A, which provides as follows:

"The board of trustees may at any time employ and fix the salaries of teachers, principals, janitors, attendance officers, school physician, school dentist, nurses, and other employees necessary for the succeeding year. The contracts of all certificated employees shall be in writing, and all employees shall be employed subject to the provisions of 38-431." (Underlining ours.)

Section 38-481 deals with employment of relatives and is not germane to your question.

A primary rule of statutory construction is that specific provisions shall take precedence over general provisions. Section 15-443 is specific in limiting boards of trustees employing school employees "for the succeeding year." Section 15-444B specifically exempts

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superintendents or principals from the limiting provision of Section 15-443 above quoted.

Concerning those positions that might be categorized as "assistant" principals or "assistant" to the superintendent, it is my opinion that such positions are not covered under Section 15-444B, which refers specifically only to "superintendents" and "principals."

Pursuant to Section 15-122, A.R.S., I am forwarding a copy of this letter to the Arizona Attorney General to review, decline to review, revise, or concur. In the event no response is received within sixty days from its receipt, the opinion, according to law, would be deemed affirmed, and school board members would be exempt from personal liability in relying on the opinion herein set forth.

Sincerely yours,

PRICE, TINNEY, LINDBERG & GIANAS

By /s/ JOHN PRICE
John Price, Attorney for Sunny-
side Unified School District #12

JP/dl
Enclosure

cc: John A. LaSota, Jr.
Attorney General
State of Arizona
State Capitol
Phoenix, Arizona 85007

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