



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

April 24, 1979

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ARIZONA ATTORNEY GENERAL**

Mr. E. Leigh Larson
Santa Cruz County Attorney
750 Grand Avenue
Nogales, Arizona 85621

Re: I79-109 (R79-093)

Dear Mr. Larson:

Pursuant to A.R.S. § 15-122(B), we decline to review your March 22, 1979 opinion concluding that the Patagonia Union School District #20 and the Patagonia Elementary District #6 may employ a joint superintendent to administer both districts and a principal to work subordinate to that superintendent in both districts. We believe A.R.S. § 15-436(B), shielding the Board from personal liability when relying upon the Attorney General's written opinion, applies equally to Board action taken in reliance on a County Attorney's opinion which we have declined to review pursuant to A.R.S. § 15-122(B).

Sincerely,

BOB CORBIN
Attorney General

BC/mm

R79-093

MARCH 22, 1979

SCHOOL OPINION

REQUESTED BY: Joseph M. Landavazo, Superintendent of District No. 20-21.

OPINION BY: Santa Cruz County Attorney's Office

QUESTION: May the Patagonia Union School District #20 and the Patagonia Elementary District #6 employ a joint superintendent to administer both districts and a principal to work subordinate to that superintendent in both districts?

CONCLUSION: Yes.

I

A.R.S. 15-444 A. provides that boards of trustees may, in their discretion, jointly employ a superintendent provided that the school districts have a combined average daily membership of at least three hundred pupils and each district employs at least five teachers. The same requirements also apply before boards of trustees may, in their discretion, jointly employ a principal.

A.R.S. § 15-545 provides that the board of education of a high school shall, for the management of the high school, have all the powers and duties vested in common school trustees. Presumably, therefore, a high school board of education would have the statutory authority to employ a superintendent and principal in the same manner as a board of trustees is allowed to do in accordance with A.R.S. § 15-444 A. Accordingly, it would appear that a board of trustees and a board of education could both agree to jointly employ a superintendent and a principal, so long as the statutory requirements of A.R.S. § 15-444 A. are satisfied.

In light of the above, the following is indicated. First of all, so long as Patagonia Union School District #20 and the Patagonia Elementary District #6 have a combined average daily membership of at least 300 pupils and each employs at least five teachers, both districts may employ the same superintendent. Secondly, so long as the above mentioned districts meet the same above requirements, both may employ the same principal.

II

A.R.S. § 15-1205 A. permits any common and high school district "having a common board membership and coterminous boundaries "to maintain a single administrative program (1)

(1) For purposes of this article, 'single administrative program' means that a common and high school district may combine administrative functions including but not limited to all persons engaged in the administration and operation of the common and high school district. A.R.S. § 15-1205 C.

APR 3 1979

R79- 093

so long as each district school board agrees to the combined operation. It has been argued that the statutory limitations embodied in the above statute also apply to A.R.S. § 15-444 A. For the following reason, however, it would appear that the two statutes in question are not interrelated, at least to the extent suggested: Simply because A.R.S. § 15-1205 has express statutory conditions that must be satisfied before the operation of a combined staff operation is allowed, does not necessarily mean that those same conditions--i.e. common board membership and coterminous district boundaries-- also apply to A.R.S. § 15-444 which concerns district employment of a joint superintendent and/or principal.

A.R.S. § 15-444 has its own statutory requirements, requirements not mentioning any need for coterminous boundaries; thus, by its own terms, § 15-444 A. does not stipulate a need for coterminous boundaries before school districts may hire a joint superintendent and/or principal.

Copies of the foregoing mailed to the Attorney General.