



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

October 19, 1979

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Honorable Jay V. Flake
Navajo County Attorney
Navajo County Attorney's Office
Navajo County Governmental Center
Holbrook, Arizona 86025

Re: I79-259 (R79-262)

Dear Mr. Flake:

Pursuant to A.R.S. § 15-122(B), we decline to review your September 20, 1979 opinion addressed to the Superintendent of the Holbrook Public School, relating to whether an individual board member may review the confidential files of school employees in preparing for a school board meeting. 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,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/mm

OFFICE OF

NAVAJO COUNTY ATTORNEY

JAY V. FLAKE
COUNTY ATTORNEY
ARNER G. LEPPIN
CHIEF DEPUTY

NAVAJO COUNTY GOVERNMENTAL CENTER
HOLBROOK, ARIZONA 86025
TELEPHONE (602) 524-6161
September 20, 1979

EDUCATION OPINION

THOMAS L. WING
DEPUTY
MICHAEL G. PROST
DEPUTY

ISSUE NO LATER THAN

11-27-79

R79-262

Mr. Luther Flick, Superintendent
Holbrook Public School
P.O. Box 640
Holbrook, Arizona 86025

Dear Luther:

The answer to the question asked in your letter of September 17, 1979, is a qualified yes.

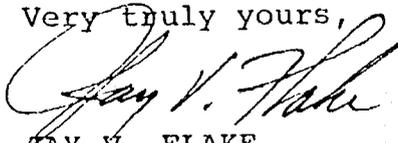
A.R.S. §38-431.01 requires school board meetings to be open to the public with the exception of limited executive sessions as authorized in A.R.S. §38-431.03.

An individual school board member can review the confidential files of school employees when matters concerning that file or those files are to come before the school board in its legally convened meeting. It would be rather cumbersome for a school board member to require other persons present at the meeting to sit idly by while he spends whatever time he deems sufficient, whether that be minutes or hours, to review file materials.

I would caution you however, that any review of materials should be on an individual basis, and should not be by two or more board members at the same time. See Attorney General opinion no. 75-8. Less than a majority of the school board should not gather together to unofficially consider school matters. However, there appears to be nothing improper about an individual board member reviewing materials which will be presented at a board meeting in order to adequately prepare himself for an intelligent discussion and consideration of those materials at a lawfully convened board meeting.

I am submitting a copy of your question and this reply to the office of the Attorney General for their review and their concurrence or revision.

Very truly yours,



JAY V. FLAKE
NAVAJO COUNTY ATTORNEY

CC: Robert Corbin
Attorney General of Arizona