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Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert K. Corbin

December 18, 1979
LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Lt. M. L. Risch
ALEOAC Business Manager
Arizona Law Enforcement Officer Advisory Council
Post Office Box 6638
Phoenix, AZ 85005

Re: I79- 302 (R79-305)

Dear Lt. Risch:

In your letter of November 6, 1979, you asked for our opinion as to whether the Arizona Law Enforcement Officer Advisory Council (ALEOAC) can require that a private, commercial, technical or business school be licensed pursuant to the provisions governing technical and business schools (A.R.S. §§ 15-931 et seq.) as a condition for appointment to ALEOAC's Bidder's List. You have also asked what standards for certification by ALEOAC can be established if the provisions of A.R.S. §§ 15-931 et seq. are not applicable.

Pursuant to A.R.S. § 41-1822.4, ALEOAC has the duty to "[p]rescribe minimum courses of training and minimum standards for training facilities for law enforcement officers." As a general proposition, a requirement that schools be licensed pursuant to A.R.S. §§ 15-931 et seq. as a precondition to being considered as an ALEOAC training facility would be a reasonable exercise of ALEOAC's authority.^{1/} However, as you point out

1. Those schools which do not fall within the enumerated exemptions of A.R.S. § 15-931.4 must, of course, be licensed by the State Board of Private Technical and Business Schools. For example, if a school offers courses available to law enforcement officers and also to other groups, it must be licensed. It is certainly reasonable for you to require such a non-exempt school to be properly licensed before you will do business with it.

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in your letter, A.R.S. § 15-931.4(d) provides an exemption to the licensing requirement for "[j]ob training or rehabilitation programs operated for state, local or federal governmental agencies." Thus, if a school operates a job training or rehabilitation program exclusively for a governmental agency, it is exempt from the licensing requirement and you cannot require it to be licensed. It is our understanding that most of the schools with which you deal fall into this class.

We therefore suggest that you promulgate regulations, authorized by A.R.S. § 41-1822.4, which would establish minimum standards for schools to meet in order to be eligible to receive ALEOAC training funds.^{2/}

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC/mm

2. In establishing reasonable standards, it may be helpful to refer to those provisions governing private technical and business schools which are calculated to assess the quality of the institution.