



Attorney General
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Phoenix, Arizona 85007

Robert E. Corbin

March 18, 1980

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ARIZONA ATTORNEY GENERAL

William B. Hanson, Esq.
DeConcini McDonald Brammer
Yetwin & Lacy, P.C.
240 N. Stone Avenue
Tucson, AZ 85701

Re: I80-041 (R80-046)

Dear Mr. Hanson:

Pursuant to A.R.S. § 15-122(B), we decline to review your February 21, 1980 opinion addressed to the Tucson Unified School District concerning the Parent Partnership Council. 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

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PLEASE REPLY TO: TUCSON

Dr. M. Lee Starr
Associate Superintendent
Tucson Unified School District
P.O. Box 4040
Tucson, Arizona 85717

Re: Parent Partnership Council

Dear Dr. Starr:

You recently asked this office for an opinion on an issue concerning the Parent Partnership Council. The remainder of this correspondence constitutes our opinion.

QUESTION PRESENTED

Where a Parent Partnership Council conducts a fund raising activity, to what extent can it govern the use of the funds so raised?

CONCLUSION

The money raised by the Parent Partnership Council (PPC) may be disbursed at the group's discretion, without intervention of the school principal or the Board of Trustees. If school premises are used, however, the Board of Trustees may impose the supervision of the principal over the handling and disbursement of the funds as a condition to the use of the school premises. Money received by the school for the use or rental of the premises must be deposited to the civic center school fund, for use within that school district.

DISCUSSION

On March 8, 1979, the Board of Education adopted "Procedures for the Operation of School Community Partnership Councils in Tucson Unified School District No. 1". It established a School Community Partnership Council in each of the District's schools, three area councils and a District-wide council. In general, the purpose of each council is to advise appropriate school officials at various levels on matters relating to the

Dr. M. Lee Starr
February 21, 1980
Page Two

educational process. Other than providing, with certain limitations, administrative staff assistance, the Board of Education does not compensate or otherwise financially support the councils or their members.

There is no statute governing the use of PPC funds. PPC funds are, however, analogous to student activities monies, as defined and distinguished from school monies in A.R.S. §15-1271:

"§15-1271. Student activities money
defined; school monies defined;
use of school money

A. All money raised with the approval of the board of trustees or board of education of a common or high school or junior college district by the efforts of students in pursuance of or in connection with all activities of student organizations, school book stores, clubs, athletic activities, school plays and other student entertainment shall be deemed student activities money.

B. Money received from rental of district property, tuition fees and other district receipts are school monies and shall be deposited with the county treasurer to the credit of the district, and shall be expended as provided by law for other school funds."

An Attorney General's Opinion supports the proposition that PPC funds are not school monies. It states that a parent-teacher group may conduct fund raising activities without supervision or intervention of the school principal in the handling and disbursement of funds. It also indicates that the Board of Trustees may impose the supervision of the principal over the handling and disbursement of the funds as a condition to the use of the school premises by the parent-teacher group. See Opinion of the Attorney General, No. 57-70.

A.R.S. §15-1271, supra, makes it clear that money received from the rental of district property is to be deposited with the county treasurer to the credit of the school district. A.R.S. §15-451, Subsection D, specifies that monies derived from

Dr. M. Lee Starr
February 21, 1980
Page Three

the rental of school property to a group such as PPC is to be deposited with the county treasurer, who credits the deposits to the civic center school fund of the respective district. This fund is a non-reversionary fund, and will be used within that school district.

"§15-451. Lease, rental and use of school property for civic and educational purposes; revolving fund; investment of monies

D. Except as provided in §15-442, subsection 11, monies received for and derived from the use of school property under this section shall be promptly deposited with the county treasurer who shall credit the deposits to the civic center school fund of the respective district. Monies placed to the credit of a civic center school fund may be expended for civic center school purposes by warrants drawn upon order of the school district governing board."

In summary, funds raised by a PPC in a particular school may be used as that group sees fit. There is no indication that the money must go to an area council or to a district council. Monies received by the school from the rental of district property are to go to the specified civic center school fund for use within the respective district. This fund, however, is not limited to use in a particular school.

A copy of this opinion is being sent to the Attorney General for his review.

Sincerely,

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

William B. Hanson

WBH/rl
cc: ~~Bob~~ Corbin, Attorney General