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STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

July 21, 1980

Mr. John C. Richardson
DeConcini McDonald Brammer
Yetwin & Lacy, P.C.
240 N. Stone Avenue
Tucson, Arizona 85701

Re: I80-135 (R80-154)

Dear Mr. Richardson:

We have reviewed your opinion dated June 25, 1980, to the Superintendent of Tucson Unified School District No. 1 concerning school board approval of expenditures of student activities monies. We concur with your conclusion but wish to separately state the reasons for our concurrence.

During its 1980 second special session, the Arizona Legislature made substantial changes in the statutes governing student activities monies. A.R.S. § 15-1272, as amended, provides in part:

A. The governing board of any district having student activities monies shall establish a student activities fund and appoint a student activities treasurer. The student activities treasurer shall deposit the student activities monies in a bank account designated the student activities account. In districts which have multiple schools the governing board may designate an assistant student activities treasurer for each school. Each assistant student activities treasurer shall deposit student activities monies in the district's student activities bank accounts established separately for each school. Disbursements from the student activities accounts shall be by check, signed by two persons, one of whom shall be either the student activities treasurer or an assistant student activities treasurer and one of whom shall be any other person to act as co-signer with the student

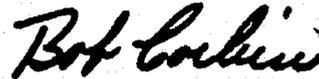
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GENERAL

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activities treasurer or assistant student activities treasurer. Any disbursements shall be authorized by or on behalf of the student members of the particular club or organization as provided in the uniform system of financial records. . . .

We believe this statute was intended to permit the district governing board to exercise its general regulatory and supervisory control over expenditures of student activities money by appointing designated individuals to co-sign checks for such expenditures. Since A.R.S. § 15-1272 specifically permits district governing boards to delegate their authority to designated individuals, we believe the district governing board is not required to act directly on each disbursement from student activities accounts.

Sincerely,



BOB CORBIN
Attorney General

BC:MP:eib

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June 25, 1980

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PLEASE REPLY TO: TUCSON

Dr. Merrill A. Grant
Superintendent
Unified School District No. 1
P. O. Box 40400
Tucson, Arizona 85717

EDUCATION OPINION

ISSUE NO LATER THAN

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POLLARD

R80-154

Dear Dr. Grant:

At the Board meeting held May 29, 1980, the issue was presented whether the Board of Education's approval is required for out of state travel by a student when the travel is funded by student activities monies. The Board, if possible, would prefer not to be required to either approve or disapprove this and other similar requests when School District funds are not involved, and the travel does not involve District employees. It is the opinion of this office that such approval is not required. The Board may, if it desires, review and pass on specific requests for expenditure of student activities monies, but it is under no legal obligation to do so in each case.

Arizona Attorney General Opinion 58-13 provides that student activities monies, as defined in A.R.S. §15-1271, may be handled in a different manner from ordinary school funds. "[A] certain autonomy was intended to be granted student body organizations" subject to general regulatory and supervisory control by the School Board. Id. at 14.

The power to control expenditures of student activity monies is discretionary rather than mandatory leaving the student organizations comparatively "free to function and conduct activities on behalf of the students". Id. Quoted with approval in the Arizona Attorney General's Opinion is the Opinion of California Attorney General 210, 211; which states:

"We think it clear ... that student body organizations are to be treated as separate entities from school districts."
Id.

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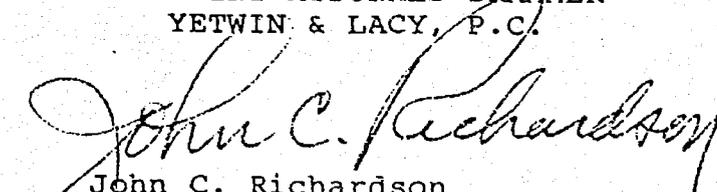
There are no specific regulations that require a school board to approve student travel funded by student activities monies. Section 15-442(B)(5) allows the board of trustees to permit travel by "a superintendent, principal or their representatives" for school purpose. Expenditures for these travels are charged against the school district's budgeted funds. This statute does not require board approval for, or even concern, travel by a student when funded by student activity monies and for a student activities purpose. In addition, A.R.S. §§38-621, et seq., provides the conditions under which "every public officer ... or employee ... and member of any board" shall be allowed travel expenses. Again, however, these statutory sections are not pertinent in the instant situation, since no school district monies (or state monies) are being expended. Also, these statutes apply to public employees and officials, not to students. It is our opinion that the Legislature intended to deal only with the persons and monies expressly set forth.

In summary, it is our opinion that the Board of Education has discretionary authority to regulate or supervise the expenditure of student activities funds. Because there is no express requirement to do so, approval of a student organization's plan which does not in any way involve school district funds is not mandatory.

Pursuant to A.R.S. §15-122B, A copy of this opinion is being sent to the Attorney General, who may concur, revise or decline to review its contents.

Sincerely,

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.


John C. Richardson

JCR:rms
cc: Robert Corbin, Attorney General