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Robert R. Corbin  
December 22, 1980

INTERAGENCY  
Charles D. Adams, Esq.  
Arizona Board of Regents  
1535 West Jefferson  
Phoenix, Arizona 85007

Re: I80-219 (R80-256)

Dear Mr. Adams:

This is in response to your letter concerning the provision of educational services to the Kayenta School District by Northern Arizona University (NAU).

Your letter indicates that the school district requested NAU to teach a course for classroom teachers in Kayenta in order to upgrade the district's special education programs. The district informed NAU that such a course was needed to improve the district's programs and to enable the district to qualify for additional special education funds. NAU responded by providing a part-time professor to teach a course in Kayenta and the school district agreed to pay NAU tuition for each of the teachers enrolled in the course. The district executed a purchase order for \$1,540 to NAU as a result of this agreement.

Subsequently, the County School Superintendent questioned the payment to NAU, apparently relying upon the provisions of Article 9, Section 7, of the Arizona Constitution, prohibiting gifts of public funds for a private purpose.<sup>1/</sup>

1. Article 9, Section 7, Arizona Constitution:

§ 7. Gift or loan of credit; subsidies;  
stock ownership; joint ownership

Section 7. Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

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You have asked this office, on behalf of NAU, whether the school district's payment to NAU would be violative of the Arizona Constitution.

As a general principle, an expenditure will not violate the constitutional provision prohibiting gifts of public monies if the expenditure is made for a "public purpose." The District has indicated that its primary intention was to upgrade its programs. Given this fact, the fact that individual teachers incidentally benefitted by obtaining college credits does not invalidate this expenditure having been made for a "public purpose."

Sincerely,



BOB CORBIN  
Attorney General

BC:MAP:cp