



Ginger
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert E. Corbin

December 15, 1981

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Thomas C. Reed
Deputy Santa Cruz County Attorney
1202 Grand Avenue, Torre Blanca Bldg.
Nogales, Arizona 85621

Re: I81-130 (R81-162)

Dear Mr. Reed:

We have reviewed your opinion dated October 30, 1981, to the Principal of the Patagonia Elementary School District concerning whether non-certificated personnel may be used to supervise the playground area without the presence of certificated personnel. The following is a revision of that opinion.

Since the issuance of Ariz. Atty. Gen. Ops. 72-2-C and 63-27-C to which you referred, the Legislature amended A.R.S. § 15-341.A.18 (formerly A.R.S. § 15-442.A.20). That statutory section as amended by Ch. 224, 1980 Ariz. Sess. Laws, now states that among the general powers and duties of a school district board, the governing board shall:

Provide for supervision over pupils in instructional activities by certificated personnel and in non-instructional activities by certificated or non-certificated personnel. Supervision in non-instructional activities does not require the physical presence of certificated personnel. For the purposes of this paragraph non-certificated personnel have the same powers and duties as certificated personnel.

Thus, to the extent playground supervision involves supervision of non-instructional activities, a school district board may fulfill its obligation to supervise with non-certificated

Thomas C. Reed
December 15, 1981
Page 2

personnel exclusively. See Ariz. Atty. Gen. Ops. I81-062, I79-258. That A.R.S. § 15-521.A.5 (formerly A.R.S. § 15-201.5) imposes upon teachers the duty to supervise pupils on the playgrounds and during recess, if assigned such duty, does not limit the power of the governing board granted by A.R.S. § 15-341.A.18.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:lm

OFFICE OF THE SANTA CRUZ COUNTY ATTORNEY

RICHARD N. GROVES
County Attorney

WILLIAM ROTHSTEIN
Chief Deputy

THOMAS C. REED
Deputy

ABRAHAM T. TRUJILLO
Special Investigator



Torre Blanca Building
1202 Grand Avenue
Nogales, Arizona 85621

Tel. (602) 287-3679

October 30, 1981

11-4-81 jpc
R81-162
LOWE

EDUCATION OPINION

ISSUE NO LATER THAN

12-31-81

Mr. J. Dwayne Atwell
Patagonia Elementary School District
P. O. Box 295
Patagonia, Arizona 85624

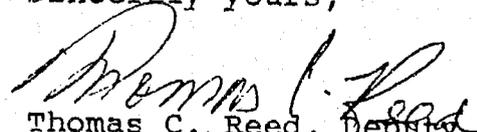
Dear Mr. Atwell:

By recent letter you have requested an opinion as to when parents (non-certified personnel) may be used for playground supervision. The answer is that they may only be used when certified personnel are present and supervising the playground area.

The foregoing opinion is based upon A.R.S. §15-201 (5) which lists playground supervision as one of the duties of a teacher, as well as Attorney General Opinions 63-27-C and 72-2-C enclosed (please excuse the poor quality of the copies).

I am forwarding this opinion to the Attorney General for his concurrence, dissent or revision.

Sincerely yours,


Thomas C. Reed, Deputy
Santa Cruz County Attorney

TCR/epc
enc.