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March 17, 1983

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ARIZONA ATTORNEY GENERAL

INTERAGENCY  
The Honorable Ed C. Sawyer  
Arizona State Senator  
State Capitol, Senate Wing  
Phoenix, AZ 85007

Re: I83- 027 (R83-035)

Dear Senator Sawyer:

This letter is in response to your opinion request of March 7, 1983, in which you asked the following questions:

1. Do the State Community College Board and/or local community college district governing boards have the authority to negotiate out-of-district tuition reimbursement payments different from those determined pursuant to A.R.S. § 15-1469?
2. May Boards of Supervisors, in the five Arizona counties without organized community college districts, legally withhold payments to the nine organized community college districts for tuition reimbursement pursuant to A.R.S. § 15-1469?

For the reasons set forth below, we conclude that a local district may not negotiate the amounts of tuition reimbursement payments at a different rate from that set forth in the statute, and that a county board of supervisors may not withhold payment to a district which provides education pursuant to A.R.S. § 15-1469.

Section 15-1469.B provides that the county of the student's residence must reimburse a community college district which provides education for the nonresident student. The

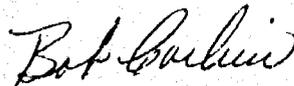
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county must reimburse the district "for an amount equal to the operational expenses per capita per annum, . . . minus the amount of average state aid per capita per annum."<sup>1/</sup> Thus the statute clearly outlines the formula for determining the liability of a board of supervisors to a community college district and the board of supervisors has no authority to reimburse at a different rate. See 2A, Sutherland Statutory Construction, § 57.10 (4th Ed. 1973); Phoenix Title & Trust Co. v. Burns, 96 Ariz. 332, 395 P.2d 532 (1964); State v. Allred, 102 Ariz. 102, 425 P.2d 572 (1967).

With regard to the second question, A.R.S. § 15-1469.B provides that "it shall be the obligation" of the county to reimburse the community college district. Thus the county board of supervisors in a county without a community college district must reimburse a community college district which admits the county's residents.

Although the community college district's right to admit nonresident students may be discretionary, the statute requires that payment be made once the student is admitted. Ariz. Atty. Gen. Op. 175-181.

Sincerely,



BOB CORBIN  
Attorney General

BC/VBW/b1

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1. In Ariz. Atty. Gen. Op. 175-256, we approved a particular method of determining the operational expenses per capita per annum for extension courses offered outside of the established community college district.