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ARIZONA ATTORNEY GENERAL

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

October 25, 1983

Mr. Keith Ricker  
Deputy Yavapai County Attorney  
Yavapai County Courthouse  
Prescott, Arizona 86301

Re: I83-116 (R83-114)

Dear Mr. Ricker:

Pursuant to A.R.S. § 15-253.B, we decline to review the August 17, 1983, opinion issued by your office to David F. Truett, Principal of Bagdad High School, concerning the school's policy of not giving a suspended student credit for class assignments completed during the period of suspension.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN  
Attorney General

BC/VBW/bl



EDUCATION OPINION  
ISSUE NO LATER THAN

10-14-83

COUNTY ATTORNEY  
CHARLES R. HASTINGS

OFFICE OF

## County Attorney

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August 17, 1983

8-24-83 pc  
WHITEHEAD  
R83- 114

David F. Truett, Principal  
Bagdad High School  
Box 427  
Bagdad, Arizona 86321

Re: Credit Given for School Work  
While Student is Suspended

Dear Mr. Truitt:

You have requested an opinion from this office with respect to your school's policy of not giving a suspended student credit for class assignments completed during the period of suspension. According to your 1982-83 Student/Parent Handbook, class assignments will be made available to any suspended student to allow that student the opportunity to keep pace with his/her classmates during the period of suspension, but no grades or credit will be given for such completed assignments. An exception is made to this general rule for those long-term assignments which are given prior to the student's suspension but which are due prior to his/her return to the classroom, as well as for mid-term and final exams given during the period of suspension.

This issue is not covered under statutory law and I can find no Attorney General's Opinions which address it. There are, however, two Arizona decisions which pertain to the suspension or expulsion of a student who was not to be given credit for school work completed during the suspension/expulsion.

In Burnkrant v. Saggau, 12 Ariz.App. 310, 470 P.2d 115 (1970), a student was suspended by a part-time school administrator. The Arizona Court of Appeals quoted the language in the student handbook which stated that no credit would be given for work completed while the student was suspended. The Trial court held that the suspension was not valid because the decision to suspend

David F. Truett, Principal  
August 17, 1983  
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was not made by the proper person. The school promptly readmitted the student, but appealed the court's decision, specifically reserving the right to withhold credit for work done by the student during the suspension period if the appeal was successful. The appellate court indicated this was not an issue in the appeal, and upheld the trial court's decision.

The second case, Kelly v. Martin, 16 Ariz. App. 7, 490 P.2d 836 (1971), concerned an appeal by the school of a trial court's reversal of its decision to expel a student for one year for distributing drugs on campus. The trial court ordered the student to be readmitted at the start of the second semester, and to be given credit for all courses completed. Given the timing of the trial court's decision and the Court of Appeals' opinion, it is apparent that the student was readmitted for the second semester pursuant to the trial court's order. However, that court was reversed on appeal after the school year ended, and the student should have been denied credit for classwork completed during the "expulsion" period, in accordance with the Court of Appeals decision.

These cases seem to give tacit approval to a school's announced policy that suspended students will not receive credit for classwork completed during the period of suspension. Your exceptions to this general rule appear reasonable and appropriate.

By copy of this letter, I am sending the Attorney General this opinion for his review. I hope this opinion is of assistance to you.

Sincerely,

Keith Ricker  
Deputy County Attorney

cc: ~~Attorney General's Office~~  
Dr. Eugene Hunt, Superintendent

Enclosure (A.G. Opn. I-81-089)