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ARIZONA ATTORNEY GENERAL

Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007
Robert H. Corbin

January 12, 1984

Ms. Candyce C. Beumler
Deputy Gila County Attorney
1400 East Ash Street
Globe, AZ 85501

Re: I84-006 (R83-160)

Dear Ms. Beumler:

Pursuant to A.R.S. § 15-253.B, we decline to review your opinion dated November 10, 1983 to the Superintendent of the Hayden-Winkelman Unified School District concerning community school programs.

Sincerely,

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

BOB CORBIN
Attorney General

BC:VBW:pd



CIVIL DEPUTY
CANDYCE BEUMLER
CRIMINAL INVESTIGATOR
TOMMIE RASMUSSEN

Robert Duber, II *RD*
Gila County Attorney

1400 East Ash Street
Globe, Arizona 85501
Telephone (602) 425-3231 Ext. 298

CRIMINAL DEPUTIES
CATHERINE M. HIGGINS
ROY R. WADDELL
DEYVIS ONOTO (474-4502)

O P I N I O N

11-18-83
Whitehead
R83- 160

TO: LALO A. SERRANO, SUPERINTENDENT
HAYDEN-WINKELMAN UNIFIED SCHOOL DISTRICT

FROM: CANDYCE C. BEUMLER
DEPUTY COUNTY ATTORNEY

RE: Attorney General Opinion I81-014 and
Establishment of Community School

DATE: November 10, 1983

You requested that this office issue an opinion as to its interpretation of Op. Atty. Gen. I81-014 as to whether or not it precludes a community school program which only includes a pre-school program, whether or not reasonable fees could be charged for all programs in a community school program as opposed to charging reasonable fees for the pre-school program alone, and whether or not the School District may operate both community school programs and non-paying activities for children after school hours, when the same or similar facilities are used for all after school programs. I will answer your questions in the order in which they were asked.

As we read Op. Atty. Gen. I81-014, it provides that under A.R.S. §15-1142 (former A.R.S. §15-1175.3) only one qualified director of a community school or combination of schools may be employed by a school district. This is not to say that if the community school program only included a pre-school program that the school would be unable to hire a director or that a community school program could not exist if it only included a pre-school program. The cited opinion is clear, however, that a pre-school program can only exist under the community school program if it

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provides educational services--if it serves solely custodial functions, it would not qualify as a community school.

A.R.S. §15-1141(2) provides community school monies are monies received as "fees, tuitions, grants or donations from any person or agency for community school program." A.R.S. §15-1142(4) permits the governing board of any school district to establish tuition and fee charges for the community school programs. Op. Atty. Gen. I82-136 provides that the community school program itself must be funded by fees, tuitions, grants or donations while ordinary school district funds may only be used for the employment of the qualified director. This statutory authority allows for tuition charges to be made in all community school programs, not just for the pre-school program. Although the language is permissive ("the governing board. . . .may"), a reasonable fee should be charged for all the programs in the community school in order to fund them if the donations or grants are not sufficient to do this.

Yes, a school district may have both community school programs and non-paying activities for children within the same facilities. A.R.S. §15-363 allows school districts to open its facilities for public recreation in order to contribute to the physical, mental, and moral welfare of the young people in the community. In addition, under A.R.S. §15-1105, the school board may lease or rent school buildings to any person, group, or organization for "recreational, educational, political, economic, artistic, moral, scientific, social or other civic purpose in the interest of the community." Under these circumstances, the governing board must charge a reasonable use fee for the lease or rental of the school property, though the fee may be paid by goods or services contributed by the group, organization or person using the school buildings, grounds or equipment. The governing board may also permit the uncompensated use of the buildings, grounds, buses, equipment and other school property by school related groups or organizations whose membership is open to the public and whose activities promote the educational function of the school district. For A.R.S. §15-1105 activities, however, the board must require proof of liability insurance for the use, lease or rental of the school property.

A copy of this opinion is being sent to the Attorney General for his review pursuant to A.R.S. §15-122. If no action is

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taken by that office within 90 days, the opinion will be
deemed confirmed.

Landra L. Beumler