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Robert R. Corbin

February 28, 1984

The Honorable Jacque Steiner
Arizona State Senate
State Capitol, Senate Wing
1700 West Washington
Phoenix, AZ 85007

Re: I84-029 (R83-180)

Dear Senator Steiner:

This letter is in response to your inquiries about the ability of state agencies and local community college districts to contract with Navajo Community College to provide educational services to students in Arizona.^{1/} We conclude that the pertinent statutes allow state agencies and local community college districts to contract with Navajo Community College.

There is no limitation regarding the parties with which local community college districts or the State Board of Directors for Community Colleges may contract. A.R.S. §§ 15-1424.B.2 and 15-1444.B.3.^{2/} The State Board, however,

1. Navajo Community College was established and is operated by the Navajo Indian tribe. Its Board of Regents is appointed by the Navajo Tribal Chairman and it is not part of the state community college system.
2. Section 15-1444.B.3 provides that local community college districts may contract "subject to the limitations prescribed by the state board." The State Board rule enacted under this authority does not relate to the questions at issue here.

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and local boards may do only that which they have been authorized to do by statute. Thus, these entities may contract only for activities for which they have statutory authorization. See School District No. 69 of Maricopa County v. Altherr, 10 Ariz. App. 333, 458 P.2d 537 (1969). Therefore, if the State Board or a local board has the authority to accomplish a particular activity by contracting with another party there is no prohibition against contracting with Navajo Community College.

You have also asked whether our statutes prohibit Navajo Community College from receiving federal vocational educational funds that pass through and are supervised by the Arizona Department of Education. A.R.S. § 15-784 provides that Arizona "assents to the provisions and accepts the benefits" of certain federal vocational education statutes. This law thus gives the State the authority to act pursuant to the pertinent federal provisions. Therefore, the State Board of Education is authorized by federal law to include as recipients of the federal funds any entity allowed by the pertinent federal statutes¹ to receive the funds.⁴

If you have any other questions, please let me know.

Sincerely,



BOB CORBIN
Attorney General

BC/VBW/mch

3. For example, pursuant to the Vocational Education Act of 1963, 20 U.S.C. § 2301 et seq., Navajo Community College would be eligible to receive federal funds, see, e.g., 20 U.S.C. §§ 2330, 2350 and 2370.

4. This conclusion does not conflict with A.R.S. § 15-785 which allows the State Board of Vocational Education to allocate federal funds to school districts for vocation education in an amount which is not more than seventy-five percent of all expenditures for vocation education in such schools or classes. That statute does not render "school districts" the exclusive entities to which these funds may be allocated.