



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert H. Corbin

September 8, 1987

Ms. Denise M. Bainton
DeConcini McDonald Brammer
Yetwin Lacy & Zimmerman
240 North Stone Avenue
Tucson, Arizona 85701-1295

Re: I87-105 (R87-118)

Dear Ms. Bainton:

Pursuant to A.R.S. § 15-253(B), this office has reviewed the opinions expressed in your June 29, 1987 letter to Dr. Larry E. Frase, Superintendent, Catalina Foothills Unified School District No. 6, and concurs with your conclusions that the local governing board may purchase a school site and construct school buildings on real property located entirely outside district boundaries.

We emphasize that an election must be held consistent with A.R.S. §§ 15-341(A)(9), (11) and (13) and 15-491.

Sincerely,

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

BOB CORBIN
Attorney General

BC:TLM:amw

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June 29, 1987

EDUCATION OPINION

ISSUE NO LATER THAN:

9-4-87

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PLEASE REPLY TO TUCSON

R87-118

Martin
7/6/87

Dr. Larry E. Frase
Superintendent
Catalina Foothills Unified School District No. 6
2101 E. River Rd.
Tucson, AZ 85718

Re: Purchase of School Site

Dear Dr. Frase:

You have requested an opinion as to whether or not the Catalina Foothills Unified School District ("the District") may purchase a site and construct a school on a parcel of land that is located entirely within the boundaries of a neighboring school district. Subject to the discussion below, our answer is yes.

This opinion is based upon the following facts. The District is located in and near the foothills of the Catalina Mountains north of Tucson. Although parcels of land of sufficient size for a school site may be available within the District boundaries, land is at a premium due to development in the District. The Governing Board believes that one or more parcels of sufficient size for a school site, and which are conveniently located for the students of the District who eventually would attend the school, are available in a neighboring school district. The District is in the process of selecting an appropriate site and beginning negotiations for its purchase. The Board wishes to know, prior to final selection and negotiations for purchase, whether or not it may construct a school on a site located completely outside the District's boundaries. Based on Attorney General Opinion I86-037, Attorney General Concurring Opinion No. 71-6-C, and the Opinion of the Maricopa County Attorney which the Attorney General declined to review in I79-114, we have concluded that the District may acquire the site and construct the school, subject to all other legal requirements for purchase and construction.

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Dr. Larry E. Frase

June 29, 1987

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A school district legally may educate its students in schools located outside its boundaries. Opinion of the Maricopa County Attorney No. 79-5. It may lease or rent a school facility outside its boundaries. Id. It may purchase property for "outdoor classroom experience" which property is completely outside its boundaries. See Attorney General Concurring Opinion No. 71-6-C. It may acquire a site and build a school building on a parcel of property located partially inside and partially outside its boundaries. See Attorney General Opinion I86-037. Although none of the opinions cited above deal with the precise question you have asked, we believe that the principles contained in those three opinions lead to the conclusion that the District may purchase a site and construct a school completely outside its boundaries.

In acquiring and using the site, the District strictly must follow the criteria set forth in Attorney General Concurring Opinion 71-6-C. These are:

1. The use of land must be related to the educational program;
2. The site must be suitable for this purpose;
3. The school must pay a fair price for the land;
4. The improvements to the land must not be excessive in relation to the program of usage;
5. The use must be limited to students of the District.

If these requirements, and all other legal requirements for the purchase of the site and construction of a school, are followed it is our opinion that the District may acquire a school site and construct a school completely outside its boundaries.

This opinion is being forwarded to the Attorney General for review.

Very truly yours,

Denise M. Bainton

Denise M. Bainton

bpm

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