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ARIZONA ATTORNEY GENERAL**

October 15, 1985

Honorable Nancy Wessel,  
State Representative  
Arizona House of Representatives  
Capitol Building-House Wing  
Phoenix, Arizona 85007

RE: I85-109 (R85-112)

Dear Ms. Wessel:

In your letter of August 23, 1985, you asked what is the definition of a ninth grade student for the purpose of providing free textbooks under A.R.S. § 15-723.

A.R.S. § 15-723(B) states:

B. Governing boards shall furnish free required textbooks and related printed subject matter materials in the high schools, subject to § 15-727.

Pursuant to Laws 1984, Chapter 379, Section 18, the entitlement to free text books will be phased in over a four-year period.

Laws 1984, Chapter 379, Section 18, provides in part:

Notwithstanding section 15-723, Arizona Revised Statutes, as amended by section 5 of this act:

Honorable Nancy Wessel  
October 15, 1985  
Page 2

1. Beginning with the 1985-1986 school year, governing boards shall furnish free required textbooks and related printed subject matter materials for high school pupils in grade nine . . . .

For the 1985-1986 school year, free textbooks are to be provided only to those high school pupils in grade nine. No definition of grade nine appears in either the Arizona statutes or the State Board of Education rules.

A.R.S. § 15-203(A)(18), one of the statutory subsections dealing with the powers and duties of the State Board of Education, provides that the State Board shall "[p]rescribe procedures in the uniform system of financial records to ensure that required textbooks and related printed subject matter materials as provided in § 15-723 are determined by all school districts on a uniform basis." We believe that this statute authorizes and directs the State Board of Education to prescribe definitions of grades nine, ten, eleven and twelve in the uniform system of financial records in order to implement the statute.

Therefore, because there is no relevant case law or clearer direction from the legislature on this issue, you will have to seek a definitive answer to your question from the State Board of Education.

Sincerely,



BOB CORBIN  
Attorney General

BC:DTF:lp