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ARIZONA ATTORNEY GENERAL**

October 15, 1985

Mr. George Crough
Deputy Pinal County Attorney
P. O. Box 887
Florence, Arizona 85232

RE: I85-110 (R85-119)

Dear Mr. Crough:

Pursuant to A.R.S. § 15-253.B. we concur with the opinions stated in your letter to Dr. Clark A. Stevens, Superintendent of the Casa Grande Union High School #82, in which you conclude that the school district governing board may not create and administer an entirely non-student booster club, but that the local board and student organizations may jointly sponsor musical productions with such a booster club, so long as the requirements of A.R.S. § 15-1121, et seq., and A.R.S. § 15-341(16) are met. Ariz.Atty.Gen.Op. No. I84-032.

Sincerely,

BOB CORBIN
Attorney General

BC:TLM:lsp

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FLORENCE, ARIZONA 85232

September 3,

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INVESTIGATOR

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Dr. Clark A. Stevens, Superintendent
Casa Grande Union High School #82
420 E. Florence Blvd.
Casa Grande, AZ 85222

Dear Dr. Stevens:

You have requested an opinion regarding the
legality of a booster club.

QUESTIONS:

1. May the Board sanction a booster club as
a support arm of the district and require
an accounting of booster funds?
2. May the Board jointly sponsor musical pro-
ductions with the booster club?

ANSWER:

1. No, the Board has no statutory authority
to "incorporate" a booster club into the
school district.
2. Yes. Joint involvement with booster clubs
is permissible as long as lines of responsi-
bility are clearly drawn and monies gained
from student activities are accounted for
per statutory requirements.

OPINION:

1. The clear general rule is that a school board
may exercise only those powers expressly delegated to
it by statute. See, e.g., Campbell v. Harris, 131 Ariz.
109, 638 P.2d 1355 (App. 1981). There is no authority
for a school board to supplement regular school activi-
ties with a board-created and administered booster club.

Dr. Clark A. Stevens
September 3, 1985
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On its face this view seems grudging, for surely booster clubs have and do offer a great resource to the school and the public. However, the school district is a governmental entity, responsible to a particular set of taxpayers, and it is therefore obliged to honor rules and regulations designed to guarantee impartiality and accountability. A booster club has other interests. The separate identities must be maintained.

2. Joint projects involving booster organizations are not dealt with by statute but they have been impliedly approved. See A. G. Opinion I84-032, A.R.S. §15-1105(B). The key limitation is that all funds resulting from student activities be accounted for pursuant to A.R.S. §15-1121. Additionally, the school must insure it is meeting all its statutory duties and that the joint project does not interfere or conflict with this overriding obligation.

I would also note any gifts by the booster club to the school must be made to and accepted by the school board. Such gifts may be conditional. A.R.S. §15-341(16).

Sincerely,

ROY A. MENDOZA
Pinal County Attorney

George Crough
Deputy County Attorney

GC:ct