



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

February 6, 1986

The Honorable Tom Collins  
Maricopa County Attorney  
201 West Jefferson Street  
7th Floor  
Phoenix, Arizona 85003

RE: I86-014 (R85-163)

Dear Mr. Collins:

Pursuant to A.R.S. § 15-253(B), this office declines to review the opinion stated in the letter of December 4, 1985, to the President of the Governing Board, Chandler Unified School District, that the district disassociate itself from a weekend oceanography field trip operated by a private entity for students of the district. See Ariz. Atty. Gen. Ops. 76-19, 76-22 and 76-88.

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General

BC:DR:sr

## OFFICE OF THE MARICOPA COUNTY ATTORNEY

CIVIL DIVISION  
 CENTRAL COURTS BUILDING  
 201 W. JEFFERSON STREET, 7TH FLOOR  
 PHOENIX, ARIZONA 85003  
 (602) 262-8541



TOM COLLINS, COUNTY ATTORNEY

GEORGE B. MOUNT, ACTING CHIEF DEPUTY

December 4, 1985

Mrs. Anna Marie Jacobson,  
 President of the Governing Board  
 Chandler Unified School District  
 500 West Galveston Street  
 Chandler, Arizona 85224

EDUCATION OPINION

ISSUE NO LATER THAN

2-5-86

Dear Mrs. Jacobson:

Rec'd 12/6/85  
 Fenwick

This letter is in response to your letter of October 24, 1985.

Your letter asks whether an extended field trip for three classroom groups of sixth grade students to study oceanography in San Diego over a weekend for which a charge of \$130.00 is made violates Section 6 of Article XI of the Arizona Constitution which provides for the free education of pupils. The trip is operated by Project Exploration Inc., and payment for the trip is to this company and not to the District.

In subsequent correspondence we were advised that:

1. Students who participate in the field trip do not get academic credits. In this regard they do not receive an advantage over students who do not participate.
2. Teachers and parent support groups planned the trips in regularly scheduled evening meetings on school property.
3. Some students may not attend, possibly for financial reasons.

In a conversation with the District Superintendent he advised that:

1. School time will be involved to some degree in the planning because the money for the trip will be collected during school time by teachers. Additionally students and teachers probably will discuss the trip during school time, e.g. where to go before the trip and what was seen after the trip.
2. The trip's subject matter, oceanography is the same subject that the students are studying.

3. Because the teachers involved in teaching the students during regular school are the chaperones for the trip, the possibility of the trip affecting student-teacher relationships exist.
4. Although the teachers are not paid money for their services they receive the trip including room and board in return for their services.
5. The students involved are exceptional students with regard to academic achievement. The Superintendent is concerned on the effect this trip will have on parents of such children without the means to participate. He believes that there may be a subtle message to such parents that their children do not belong in this exceptional group.

In Attorney General Opinion 76-19 a field trip to Washington, D.C. for which a fee was charged was disapproved as a violation of Section VI, Article XI because:

1. It involved school days and the students on the trip were considered present at school;
2. The teachers who chaperoned the trip received normal compensation as though they were present at school;
3. A number of students were prevented from participating for financial reasons.

There is a difference between the trip which your District plans and the trip discussed in 76-19. Nevertheless certain cautions must be exercised.

The District's obligation is to provide a free education for its children. If it provides advanced classes for exceptional students it cannot and obviously does not exclude children by virtue of their parent's income. However because some children may not be able to attend for financial reasons and because of the superintendent's concern about the chilling effect that this trip may have on exceptional children of lesser means the Board should assure itself that it is not participating in a venture that has such a chilling effect.

If there is such an effect there may well be a violation of Article XI, Section 6 of the Arizona Constitution. This problem can be eliminated by the District disassociating itself from the trip. Obviously parents can contract directly for this trip with a company that has no connection with the District. However the Governing Board can avoid the problems set forth above by directing that no District facilities of personnel be used for support of the trip. This would include a direction that no monies be collected for the trip by teachers or others during the school day, that school communications facilities not be used for promotion of the trip and that the discussions and plans for the trip should not occur during school time (assuming this last direction could be enforced).

There is an additional concern which involves Chandler District Policy GCQAB which prohibits paid tutoring by a student's regularly assigned teacher during the school year. Although the teachers who are chaperones will not receive money payment for their services, they receive the trip including room and board in exchange for their services. If these teachers discuss and explain various aspects of oceanography to their students on this trip, is this tutoring? Does this, in light of their receipt of the free trip constitute paid tutoring and violate Policy GCQAB. This is also a matter for consideration by the Governing Board.

Finally there is the subtle aspect of the way teachers may feel about students who do and don't participate in the trip. This is also a matter which the Governing Board must consider in making its various decisions about the trip.

We are submitting a copy of this Opinion for review by the Attorney General.

Yours truly,

TOM COLLINS  
MARICOPA COUNTY ATTORNEY



Sandor Shuck  
Deputy County Attorney

cc: All Board Members  
Dr. James Perry, Supt.  
Mr. Robert Corbin, Attorney General