

ATTORNEY GENERAL OPINIONS

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Issued from January 31, 1995, through February 23, 1995

- I95-002 (School District Opinion)
(R94-61a) The Auditor General's construction of
1/31/95 A. R. S. § 15-910(G) in U.S.F.R.
Memorandum No. 108 (prescribing the requirements for documented reduction of utility expenditures for budget exemptions) is binding upon a district and is consistent with the language in A.R.S. § 15-910 and Laws 1994, Ch. 254, Section 2. [Auditor General; Capital Outlay; Schools and School Districts: budgets; ARS15-271; ARS15-271(C)(4); ARS15-271(C)(6)(b); ARS15-910; ARS15-910(G); LAWS1994 CH254; LAWS1994CH254SEC1; LAWS 1994CH254SEC2; AG93-008]
- I95-003 (School District Opinion)
(R94-35) A school district cannot grant academic
2/7/95 credit to students for attending religious seminary classes during release time without violating the Establishment Clause of the United States Constitution. A district may not continue its practice of granting credits for attendance at off-campus seminary classes for students who are currently juniors or seniors. Reducing the credits needed for graduation for all students may be a reasonable alternative to phasing out the current practice. [Constitutional Law: education; Schools and School Districts: academic requirements; Schools and School Districts: boards, powers and duties; Schools and School Districts: religion; ARS15-701.01]
- I95-004 (Game and Fish Department)
(R94- 60) A person may not use devices banned by
2/9/95 A.R.S. § 17-301(D) even if those devices were formerly permitted to alleviate property damage under A.R.S. § 17-239 or to prevent livestock losses. A.R.S. § 17-301(D) is controlling because it is the most recent, specific statute on the subject of permissible methods of taking wildlife. The use of devices listed in A.R.S. § 17-301(D)(1) are banned on public land unless one of the exceptions in A.R.S. § 17-301(D)(2) applies. [Game and Fish Department; Public Lands; Statutory Interpretation; AZCARTIVPT1SEC1(1); AZCARTIVPT1SEC1(2); ARS17-101(B)(5); ARS17-239; ARS17-239(A); ARS17-239(B); ARS17-301(D); ARS17-301(D)(1); ARS17-301(D)(2); ARS17-302; ARS17-302(A)(2); ARS17-302(B)]
- I95-005 (School District Opinion)
(R94-61) Because the Legislature allows school
2/16/95 districts to maintain special schools during vacation but has not authorized districts to charge fees for those special schools, a school district may not lawfully charge students to participate in its intersession enrichment classes program unless the program qualifies as a community school program under A.R.S. § 15-1141(3). [Schools and School Districts: boards, powers and duties; Schools and School Districts: community school programs; Schools and School Districts: tuition; ARS15-341(A)(2); ARS15-342(4); ARS15-1105; ARS15-1105(E); ARS15-1141-ARS15-1143; AG88-095]
- I95-006 (School District Opinion)
(R94-60a) If a band class is offered by a school district
2/23/95 for credit and every student enrolled in the band class must play an instrument to complete the class successfully, then the district must provide the instruments for them to play. A district's requirement that each student purchase or rent an instrument has no statutory authorization. A.R.S. § 1-244 applies to statutes, not to questions regarding the effect of Attorney General opinions. [Attorney General: opinions; Schools and School Districts: pupils, general requirements; Statutory Interpretation; ARS1-244; ARS15-381; AG94-004]