

SUMMARIES OF ATTORNEY GENERAL OPINIONS

The Secretary of State's Office is required to publish summaries of Attorney General Opinions under A.R.S. § 41-1013(B)(4). The following Attorney General Opinions were issued between July 1 and December 31, 2004. For copies of these opinions, call (602) 542-5025 or view them online at the Attorney General's Web site:

<http://www.azag.gov/opinions/index.html>

Opinion Number	Date of opinion	Opinion summary
No. I04-006	July 20, 2004	Re: Charter Schools Operated by For-profit Organizations Summary Answer 1. Because all Arizona charter schools are public schools and are mandated to comply with all federal and state laws relating to the education of children with disabilities in the same manner as school districts, all charter schools, including those operated by for-profit organizations, function as LEAs under Arizona law. 2. Because Arizona charter schools, including those operated by for-profit organizations, function as LEAs under state law, they meet the federal definition of a "local educational agency" as set forth in Section 9101 (26) of Title I of the Elementary and Secondary Education Act and Section 602(15) of the Individuals with Disabilities Education Act.
No. I04-007	August 10, 2004	Re: Prorating Compensation of School Employees Summary Answer All employees of school districts may request that their compensation be paid over the actual months worked or be prorated in any number of payments as set forth in A.R.S. § 23-351(C)(2).
No. I04-008	September 10, 2004	Re: School Facilities Board Approval of Proposed Reductions in Square Footage of School Facilities Summary Answer 1. The SFB may interpret the three-year time period in A.R.S. § 15-341(G) as the three fiscal years immediately following the fiscal year in which the action reducing the pupil square footage below the minimum requirements in A.R.S. § 15-2011 actually occurred. 2. The SFB lacks the authority to require school districts to obtain its approval for actions that do not reduce the pupil square footage below the minimum requirements in A.R.S. § 15-2011.
No. I04-009	September 13, 2004	Re: Child Care Licensing Exemption for Preschool Special Education Programs Summary Answer As a result of the amendment to A.R.S. § 36-884, school facilities that operate a mandatory program of special education services exclusively for preschool children with qualifying disabilities under State and Federal law are exempt from the child care licensing requirements of A.R.S. § Title 36, Chapter 7.1.
No. I04-010	November 12, 2004	Re: State and Local Public Benefits Subject to Proposition 200 Summary Answer State and local public benefits for the purposes of Proposition 200 are those programs within Title 46 that qualify as state and local public benefits pursuant to federal law (8 U.S.C. § 1621).

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No. I04-011 December 3, 2004

Re: Inflation Adjustment of Square Footage Cost for New School Construction
Summary Answer

Typically the base cost for a new school construction project is established when the Terms and Conditions for a project are signed. After the Terms and Conditions are signed, the base cost may be increased only if SFB finds good cause. Because of the good cause requirement, the SFB has discretion to determine which projects qualify for a cost adjustment after a project has been approved.