

Attorney General's Opinion is the same one the State has been litigating in Court with School Districts regarding the Inflation Funding and losing.

### Question Presented

The Classroom Site Fund ("CSF") in A.R.S. § 15-977 provides funds for various increases in "teacher" compensation. Are these compensation increases limited to traditional classroom teachers or are other school district or charter school employees who provide instruction to students also eligible?

### Analysis

The additional funding is targeted to expenditures that increase student achievement, and the term "teacher" should be read in a way that furthers this goal.

Although the Legislature has not defined "teacher," it has defined "certified teacher" and "certificated teacher." A "certified teacher" is someone certified as a teacher who "renders direct and personal services to school children in the form of instruction related to the school district's educational course of study and who is paid from the maintenance and operation section of the budget." A.R.S. § 15901(B)(5). A "certificated teacher" is someone who holds a certificate issued by the Arizona State Board of Education allowing him or her "to work" in Arizona schools and who is employed under contract in a "position which requires certification," except that it does not include any psychologist or administrator who devotes less than 50% of his or her time to "classroom teaching." A.R.S. § 15501(2).(1) Thus, under Arizona law, certain school employees, such as librarians or counselors, can be "certified teachers" or "certificated teachers" without being traditional classroom teachers.

The analysis does not end here, however, because the Legislature did not restrict the compensation increases under § 15-977 to only "certificated teachers" or "certified teachers." Instead it chose the more general term "teacher." The Legislature is presumed to know the state of the law when it amends a statute, *Wareing v. Falk*, 182 Ariz. 495, 500, 897 P.2d 1381, 1386 (App. 1995), and statutes should be interpreted in conjunction with other statutes which relate to the same subject or have the same general purpose. *State v. Thomason*, 162 Ariz. 363, 366, 783 P.2d 809, 812 (App. 1989). Based on these principles, the general term "teacher" automatically encompassed all employees included within the more specific terms "certificated teacher," A.R.S. § 15501(2) and "certified teacher," A.R.S. § 15901(B)(5).

Given the possible variations in job descriptions, "there is no necessity to impose a rigid formula to determine whether [an employee] should be considered a teacher"

when an employee spends "a substantial portion of . . . time with students or involved in student related matters." *Hillhouse v. Rice Sch. Dist. No. 20*, 151 Ariz. 348, 350, 727 P.2d 843, 845 (App. 1986) (holding that counselor is a teacher for purposes of the Teacher Tenure Act); *see also* Ariz. Att'y Gen. Op. I84065 ("[A] determination of whether a particular employee . . . [is a teacher] would depend upon that employee's specific duties and should be judged on a case by case basis."). Instead, school districts and charter schools should apply the general principles set forth in this Opinion to particular situations based on their specific facts.