



## Statement

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### **Statement from ABOR Chair Larry E. Penley on Arizona Supreme Court's Decision to Consider AG's Petition for Review in Tuition Lawsuit**

"The board continues to feel strongly that the Attorney General's ongoing pursuit of this unnecessary lawsuit and its false narrative have a negative impact on the people of Arizona. This, at a time when we should all be working together to support students across the educational spectrum including preparing them to seek education past high school. The lawsuit has been and continues to be a considerable waste of time and resources, both for the board and the state of Arizona.

"While the court will hear the case, this decision does not foreshadow the ultimate result nor lessen our confidence in the merits of our position.

"At issue is whether the Court should grant the Attorney General's request for virtually unfettered authority to sue whomever and whenever he believes it is in the public interest. His request for power goes far beyond this case and whether the Attorney General has authority to sue the board over its tuition policies. The Attorney General seeks authority to sue any agency of government with whom he disagrees.

"The Attorney General's effort to so expand his power should be of concern to every citizen in this state.

"Our Constitution limits the Attorney General's powers to those 'prescribed by law.' For over 60 years, Arizona courts have consistently held that this provision means what it says: The Attorney General holds only the powers granted by the state Legislature.

"Equally fundamental in the board's view, the Attorney General's suit seeks to thrust the court into a policy debate. Issues like tuition policy should not be brought to the courts in the first place, as our Supreme Court has held. If there is any dispute over tuition policy, our system of government leaves it to the Legislature—our elected representatives—to resolve, not the courts.

"The board is steadfast in its commitment to represent the people of Arizona and ensure a quality higher education continues to remain within reach of Arizona families.

"We look forward to the Arizona Supreme Court's consideration of this issue."