

Opinion No. 47-5036

June 6, 1947

BY: C. C. McCULLOH, Attorney General

TO: Charles L. Rose Superintendent of Public Instruction Santa Fe, New Mexico

{*57} You have handed to me for an opinion, a letter from John Milne, Superintendent of the Albuquerque Public Schools. In his letter Mr. Milne asks whether Chapter 28, Laws of 1947, amending Section 55-1203 of the 1941 Compilation, makes it mandatory upon the part of a school to take a child in when he passes his sixth birthday.

This law makes it mandatory for children between the ages of six and seventeen to attend school. However, it does not appear that this statute, which does not materially change the previous law. was intended to force the various schools to take in children during the school term as soon as they reach the age of six. It is directed toward the children and does not appear to be designed to limit the powers of the various school boards to make reasonable rules and regulations.

It is therefore my opinion that the various school boards have the power to prescribe rules and regulations setting forth when and under what circumstances they will take children who attain the age of six during the school term.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBT. W. WARD,

Asst. Atty. General