

Opinion No. 56-6454

May 31, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Abner Schreiber, Assistant District Attorney, First Judicial District, Los Alamos, New Mexico

We have your letter of April 30th, 1956, in which you request an opinion from this office as to whether the Los Alamos Public Schools can charge a registration fee for a summer academic program.

Article XII, Section 1 of the New Mexico Constitution provides that there shall be free public schools. In Article XII, Section 4, sets the length of time of the public schools as five months each year. Section 73-13-13, N.M.S.A., 1953 Compilation, provides that the schools shall be for a period of seven months. The schools provided in the above sections should be and must be free to all students who are residents of the school district.

We find no statutes which authorize or which forbid a summer school program in any municipal school district. We also do not find any prohibition against charging a registration fee for such summer programs. Therefore it is the opinion of this office that the Los Alamos School Board could charge a registration fee for all students wishing to participate in its summer academic program.

We would call your attention to the fact that the students attending this summer program would not count on any A.D.A. figures since A.D.A. is to be computed on attendance at the regular school term provided for by Section 73-13-13, N.M.S.A., 1953.

Trusting we have answered your questions, we remain

By: Paul L. Billhymer

Assistant Attorney General