

Opinion No. 16-1791

May 3, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Samuel Eldodt, Secretary and Treasurer, Spanish-American Normal School, Chamita, New Mexico.

As to disposition of books furnished to student teachers under the provisions of Chapter 89 of the Session Laws of 1915.

OPINION

{*360} I have your letter of yesterday in which you say a question has arisen between the Board of Regents of the Spanish-American Normal School at El Rito, N. M., and the four student-teachers in attendance at that school under Chapter 89 of the Session Laws of 1915, as to whether the books provided for in Section 4 of said law shall be the property of the student-teachers at the conclusion of their term of study, or whether said books shall remain the property of the school as a part of its equipment for use by other student-teachers.

By the section referred to \$ 300.00 are allowed to the institution for each student-teacher, "to pay actual and necessary expenses for board, books and school supplies, lodging, matriculation and tuition, while in attendance at such institution." I do not find anywhere in the statute anything to indicate whether it was the legislative intent that the books should become the property of the student-teachers for whose use they might be purchased, or whether they should become the property of the school. I believe we should consider that the decision of this question must be left to the discretion of the Board so that it may allow the student-teachers to have {*361} their books, or the books might be retained by the Board for future use. I can imagine that the decision might be made to depend upon varying circumstances in different years and that it would not be well to attempt to lay down any strict rule on the subject. No matter which way the Board decides, I think its action would be legal and proper.