

Opinion No. 21-2858

March 15, 1921

BY: A. M. EDWARDS, Assistant Attorney General

TO: Colonel James W. Willson, Acting Chairman, State Board of Education, Santa Fe, New Mexico.

Designation of Text Books by State Board of Education.

OPINION

{*30} I have your request for an opinion as to the right of the State Board of Education to select and designate for use in the public schools in the state certain text books for the purchase of which, contracts have been entered into with the various publishers.

You first ask with reference to the correction or change of the minutes of the former Board, which have been signed but not approved. As these minutes were the basis of the contract entered into with the publishers and contained the specifications of the books upon which the publishers made bids, it would not be proper to attempt to change these minutes.

From an examination of the minutes and particularly from the clause in the minutes quoted in your letter it would seem that any of the "basal optional" lists mentioned in your letter and covered by the contracts can be used.

{*31} Under Sections 4809 and 4816 of the 1915 Compilation, your Board has power to adopt the system of school books to be used in the public schools of the state. I understand it is the desire of the present Board at first to limit the books to be used in the reading courses to the Elson Readers to be furnished by Scott, Forsman & Company of Chicago, and that the Board wishes to instruct the various teachers throughout the state to use this set of readers first. Under the provisions of the sections from the statute above referred to, I believe the Board has the right to select this set of readers and can instruct the teachers throughout the state to require their pupils to use this set exclusively until it is decided by the Board to make use of any of the other sets covered by their contracts. There seems to be nothing in the contracts that requires the state or its pupils to purchase from each of these publishers some of their books.

I would suggest, therefore, that the Board adopt a rule or regulation requiring the schools to use any set of readers or any portions of any sets of readers which the Board deems advisable. Notice of the adoption of this rule or regulation can then be sent to the proper school authorities.