

Opinion No. 21-3076

August 4, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. J. G. Valdez, Clerk, County Board of Education, Tierra Amarilla, New Mexico.

Jurisdiction School Authorities Over Children After School Hours. Date Which School Bonds Should Bear. Use of Credited School Funds for Building School Buildings.

OPINION

{*80} I have your letter of the first instant, submitting three inquiries concerning which you desire opinions from this office.

You ask if the County Board of Education has any authority of law to prevent children of school age from spending their time in the streets and public places after school hours.

After school hours the school authorities have no jurisdiction over the students of the school. The question of the custody and discipline of the school children, after school hours, is one for the parents.

Your second inquiry involves the date which school bonds issued by the school district should bear. You state that School District No. 17 voted \$ 5,000 worth of bonds for the purpose of erecting a school building. You ask if the bonds may be dated before the day upon which the election authorizing the bonds is held.

The bonds must not be dated prior to the date of election; they must be dated subsequent to the time the election was held; otherwise they would not be valid. I would suggest that the County Board pass a resolution adopting the form of the bonds and providing that they should be dated the first day of the succeeding month after the {*81} holding of the meeting so adopting and providing for the form of bond to be used.

Your third inquiry involves the question of the construction of section 27, Chapter 105, Laws 1917 (the County Unit School Law), which provides that in cases where the voters have rejected the proposition of issuing bonds to build a school house, that a fund should be created taken from the "credited school fund" which should be used when it has reached sufficient proportions for the purpose of building and erecting a school house in such district.

In my opinion the provisions of this section are mandatory and the County Board of Education should direct the County Treasurer to set aside annually such portion of the funds as it may deem proper, but not less than one-fifth thereof, for the purpose mentioned.

If no levy has been made for the purpose, the moneys should be taken from the estimate as made; if, on the other hand, a special levy has been provided for that purpose, then the amount produced by that levy should be credited to the said fund.