

Opinion No. 21-3170

October 27, 1921

BY: A. M. EDWARDS, Assistant Attorney General

TO: Mr. Remijio Lopez, Mosquero, New Mexico.

Use of Public School Trucks to Transport Pupils of Private Schools.

OPINION

{*92} We have your letter of October 26th, in which you ask whether trucks hauling children to public schools may be used to provide transportation for children who desire to attend parochial schools.

The funds used for the purchase and operation of these trucks belong to the taxpayers and can only be used for the benefit of the public schools. Part of the school funds in each county come from the proceeds arising from the sale and disposal of the lands granted to the state by Congress.

Section 3, Article XII of our Constitution provides that:

"No part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university."

While it may be contended that the money expended for the {*93} purchase and maintenance of trucks is not used for the support of the schools directly, yet it is contrary to our scheme of government, directly or indirectly, to devote the school funds provided by taxation or from the state lands to any sectarian school.

The school board of your district, therefore, would have no authority to authorize the use of the trucks for the transportation of children to private or denominational schools.