

Opinion No. 42-4187

November 18, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mrs. Grace J. Corrigan Superintendent of Public Instruction Santa Fe, New Mexico.
Attention: Mr. John A. Moses Chief, Research and Statistics

{*279} We are in receipt of your letter of November 16, 1942, in which you ask whether or not, under the terms of Section 120-1203, {*280} New Mexico Statutes Annotated, 1929 Compilation, a child who has attained his sixteenth birthday, but not his seventeenth, must attend school.

This section, insofar as is material, is as follows:

"Children between the ages of six and sixteen years, both inclusive, shall attend public schools of the state for as many weeks as the public schools in the district in which such children reside shall be in session, * * *"

Since the term, "both inclusive" is used, it is apparent on the face of this section that a child must attend school throughout his sixteenth year, and until he reaches his seventeenth birthday.

Webster defines "inclusive" as follows:

"Comprehending the stated limit or extremes; as, from Monday to Friday **inclusive**, that is, taking in both Monday and Friday;"

Here the ages of six and sixteen are the extremes and thus the whole of the sixteenth year is included.

It is therefore my opinion that a child who is already sixteen, but not yet seventeen, must attend school under the provisions of this law.

Trusting that the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General