

**Opinion No. 44-4601**

October 18, 1944

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Marshall S. Hester, Superintendent, New Mexico School for the Deaf, Santa Fe, New Mexico

Your letter of October 9, 1944, addressed to Mr. Chas. G. Witt, in which you ask whether or not children in the New Mexico School for the Deaf are entitled to receive books under the "Free Textbook Law."

Section 55-1709 of the N.M. 1941 Compilation provides, in part, as follows:

"Said free textbooks shall be distributed to the children of this state attending schools in this state \* \* \*."

The language above used is broad enough to cover any children in any school in this state, whether they be children attending an educational institution or the public schools. Further, by Section 55-1711 of the N.M. 1941 Compilation, specific reference is made to educational institutions.

In view of these two sections, it is my opinion that students at the New Mexico School for the Deaf are entitled to free textbooks.

I observe that both the Director and the State Board of Education are given powers to make rules and regulations. I have not, in this opinion, considered the possibility of either of these rule-making powers making rules forbidding the distribution to such a school as the School for the Deaf.

By ROBERT W. WARD,

Asst. Atty. General