

Opinion No. 47-4991

February 26, 1947

BY: C. C. McCULLOH, Attorney General

TO: Claron E. Waggoner District Attorney Socorro, New Mexico

{*16} In your letter dated February 24, 1947, you enclose a letter from Carl Custer, Secretary of the Willard Board of Education, inquiring whether the board may permit the use of the grade school building for a health clinic. Mr. Custer states that the board merely wishes to know whether it may give permission for such use, but your letter states that the board desires to give a lease on the building for as long a period as possible.

Section 55-807 of the 1941 Compilation provides that county boards of education shall have supervision and control of all rural schools and districts and of sites, buildings, equipment and funds of said district. Section 55-902 provides that municipal boards of education shall have like powers over the schools and districts within its jurisdiction as those possessed by county boards of education over their respective schools and districts.

If the grade school building is not being used for school purposes, the board of education would certainly have jurisdiction to permit the use of the building by the health clinic. However, since conditions may change from year to year, any lease that might be given should not be for more than a period of one year, since the building may in future be required for school purposes.