

Opinion No. 53-5885

January 5, 1953

BY: RICHARD H. ROBINSON, Attorney General

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

{*318} Receipt is acknowledged of your letter dated December 8, 1953 in which you request clarification of opinions mentioned in your letter in order that your Board of Regents may know whether they have the power to go ahead in assisting with the further education of deaf students in Gallaudet College who have reached the age of 21 years.

I first want to say that the letter written to you on December 9, 1952, was an advisory letter in which you were advised that the Board of Regents had the authority to enter into a contract with a college in Washington, D. C., and specifically whether the Board had the authority {*319} for the expenditure of funds for the payment of board and room for New Mexico boys and girls attending Gallaudet College in Washington, D. C., a federal institution. At that time, nothing was asked by you concerning the age limits of the children that could be sent to this college, or any other college, in compliance with New Mexico law.

The subsequent letter, written by Mr. Standley of this office on July 22, 1953, is based on Section 55-2304 of the 1941 New Mexico Statutes Annotated, Pocket Supplement for 1953. This statute specifically limits the jurisdiction of your Board to children between the ages of 5 and 21 years. Therefore, it is our construction of this statute and the opinion of this office that the statute is mandatory and that the jurisdiction of the Board of Regents of your institution is limited to children between the ages of 5 and 21 years who can attend this Gallaudet College, or any other college, and that when said children are over 21 years of age your jurisdiction over them ceases.

You also want to know the legal meaning of the word "asylum", whether it means the physical properties of the school and also the funds of the school.

There is no definition given in the statute itself, but it is our interpretation that the word "asylum" includes the physical properties of the school as well as all funds appropriated by the Legislature.

As to whether the Legislature controls those funds other than appropriations, we have already answered that question in a self-explanatory opinion previously sent you.

Trusting that this fully answers your inquiry, I remain

By: Hilario Rubio

Assist. Attorney General

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