

Opinion No. 55-6202

June 23, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Georgia L. Lusk, Superintendent of Public Instruction, State Department of Education, Santa Fe, New Mexico

In yours of May 11, 1955 you ask if this office could render an opinion which would guide your Department in dealing with the problem of out of state correspondence schools offering courses of almost any type to students with the provision that tuition payments be made in advance.

First of all, Sections 73-14-3 through 73-14-7, N.M.S.A., 1953, require that correspondence schools obtain a permit from the State Board of Education before canvassing, selling scholarships and receiving tuition in advance, with a penalty provided for a violation of this requirement. Steps perhaps should be taken to punish violators upon discovery. Your activities in this regard will be restricted to schools making intrastate contracts, however, See Merriman vs. Harter, Supreme Court Opinions, No. 5862, 280 P. 2d 1045.

In addition, it might be helpful as a matter of administrative policy for your Department to inform students in the high schools throughout the State that correspondence schools generally do not offer work which is transferable as college credit. Any other information which would fully explain the advantages and disadvantages of this type instruction which could be furnished the students would be especially useful.

By: Jack A. Smith

Assistant Attorney General