

## Opinion No. 16-1804

May 19, 1916

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Miss Grace G. Goebel, Superintendent of Schools, Deming, New Mexico.

**Expenses of teachers in attending New Mexico Educational Association meeting,**

### OPINION

{\*367} I have today received your letter of the 17th instant asking whether a board of education can legally make an allowance in the estimate of expenses for attendance of the city superintendent of {\*368} schools at the National and New Mexico Educational Associations, and also whether it is within the power and duties of boards of education and directors to allow for expenses, or partial expenses, of teachers while attending the New Mexico Educational Association.

The State Superintendent of Public Instruction is by law the adviser of all school officers, and I find that sometime last fall he sent a circular to boards of regents, boards of education and boards of school directors on the subject covered by your second question, in which there is to be found the following language:

"Wherever the funds of the district permit, the expenses of the teacher should be paid wholly or in part from such funds. I recommend the payment of at least the railroad fare. It is a legitimate and proper expenditure, -- really an investment, -- as your teachers will thus be able to gain inspiration and practical suggestions for their work in your schools. It is largely due to the fact that so many teachers and school officers have met in these annual gatherings, that New Mexico is making such rapid strides educationally in every part of the State."

My impression is that this circular was issued only after consultation with my office and that we all agreed that such payments would be proper. If they are proper, as I believe they are, it would also be proper to include such matters in the estimate of expenses which the statute of 1915 requires to be submitted to you, and through you, to the county commissioners. You will find in the second paragraph of Section 3, at Chapter 79 of the Laws of 1915, that school directors and boards of education are required to provide school houses, furniture and fuel, teachers' wages and interest on school bonds, and to defray all other expenses connected with the proper conduct of the public or common schools. It appears to me, as it evidently did to the State Superintendent last year, that such expenses as your letter asks about are expenses connected with the proper conduct of schools. There seems to be no doubt of the great benefit to be derived from attendance upon such educational associations, and it is clear, when we consider the meager salaries paid to school teachers, that a large portion of them

cannot possibly bear the burden of travel and other expenses in attending the meetings without assistance from the public funds.

I think the same reasoning would apply to the expenses of attendance of city superintendents at both the National and New Mexico educational associations. I can see, however, that there might be great danger of some abuse in the way of expenses for attendance on the National association, but the remedy for that is to be found in the power of the county superintendent and of the county commissioners to limit the estimates of expenses for this purpose or for any other purpose.

I am informed that as a practical matter several county superintendents have attended meetings of the National Educational Association at the public expense, and I believe that some city superintendents also have done so.