

Opinion No. 21-2823

February 11, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Miss Ethel Summerford, Clerk, Las Cruces Public Schools, Las Cruces, New Mexico.

Authority Board of Education to Expend School Funds for Repair Buildings Used for Schools.

OPINION

{*25} I am in receipt of your letter of the 8th instant, requesting an opinion from this office regarding the right of Boards of Education to expend school funds on an Armory for the purpose of repairing the building so that it may be used by the Board of Education as a school building for a definite period.

The powers of the Boards of Education are defined in section 4881, Code 1915, and therein it is provided that such Boards shall "exercise sole control over the schools and school property of the city or town."

While this section does not expressly authorize Boards of Education to lease or rent school buildings, such power is implied, and it is our opinion that if the moneys that would be expended in the repair of the armory are intended to be in lieu of rentals which would be necessary to be paid by the board for the lease of the building, then the expenditure of such funds for that purpose would be authorized.