

**Opinion No. 43-4419**

December 4, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. James A. Clifford, President, Board of Regents, New Mexico School for the Blind, Alamogordo, New Mexico

In your letter dated December 2, 1943, you inquire whether the New Mexico School for the Blind is authorized to collect board and tuition from students in the school whose parents may be able to pay such charges.

I am unable to find any statute authorizing you to collect tuition and board from students who are residents of New Mexico. On the contrary, Section 5-102 of the 1941 Compilation, referring to the New Mexico Institute for the Blind, among other state institutions, provides that the board of said institution shall have power and it shall be its duty to provide all proper and necessary books, apparatus, instruments, medicines, clothing, food and supplies, and other materials or things necessary for the proper conduct of the institution, and the care, support and protection of the inmates thereof when necessary.

For this reason I am of the opinion that the New Mexico School for the Blind has no authority to charge resident students of New Mexico tuition and board.

By C. C. McCULLOH,

First Asst. Atty. General