

**Opinion No. 53-5717**

March 31, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Tom Wiley Superintendent of Public Instruction Santa Fe, New Mexico

{\*113} In your letter dated March 24, 1953, you referred to Section 55-814 of the 1941 Compilation, regarding Independent Rural School Districts and inquire whether the certification by you is ministerial in nature or whether you have discretion to withhold certification.

This section sets up certain standards and requirements which a Rural School District must meet and maintain in order to be eligible to become a Rural Independent School District. It is apparent that such a district in meeting such standards and requirements and maintaining them for the required length of time is striving for the status of a Rural Independent School District and when you as Superintendent of Public Instruction find from your records and information available that such a district has met with the standards and requirements of this section, your certification of that fact would be a mere ministerial act as evidence of such a condition being met by the School District, and in the opinion of this office you do not have any discretion in the issuance of such certificate under such conditions.

By: C. C. McCulloh

Assist. Attorney General