

## Opinion No. 15-1554

June 16, 1915

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

**TO:** Hon. K. K. Scott, Roswell, N. M.

**As to the salaries of first, second and third grade teachers in the public schools.**

### OPINION

{\*137} I have just received your letter of the 14th inst. enclosing another from Mrs. A. E. Smith, school teacher at Elkins, New Mexico, in which she says that it is her understanding that by the new county unit law, which is Chapter 79 of the Laws of 1915, a third grade teacher may receive \$ 60 per month, a second grade teacher \$ 75 per month, and a first grade teacher \$ 90 per month, and that the school board makes an estimate of expenses to be allowed over and above the salary of the teacher, and you ask my opinion as to the correctness of this construction of the statute.

Section 5 of the act is the one for consideration and it reads as follows:

"The Board of County Commissioners shall annually at the time of levying other taxes levy a special school tax upon all the taxable property of the respective county, which together with the other revenues provided by law shall produce sufficient revenue to support and maintain said schools in municipal school districts and in rural school districts where there is or is to be established a graded school with at least four teachers, for the full period of nine months, and in rural school districts for the full period of seven, eight or nine months in accordance with the estimates as made and finally passed upon for such districts. And provided further that {\*138} the amount which may be expended by any rural school district, where no such graded school is maintained, for all pur poses except the construction, purchase, lease, repair or equipment of school houses, shall not during any school year exceed the sum of sixty dollars per month per school room in which a teacher holding a third grade certificate is employed nor more than seventy-five dollars per month per school room in which a teacher holding a second grade certificate is employed nor more than ninety dollars per month per school room in which a teacher holding a first grade or higher certificate is employed. And provided further that no such rural school district shall be entitled to more than one school room for each fifty children or fraction thereof of school age within the district. And provided further that the special school tax which may be levied in accordance with the provisions of this act shall not exceed eighteen mills on each dollar of the assessed valuation of the property in any county."

I think it would be apparent to anyone that the language of this section fixes a limit for all expenditures per month per school room and that the limit must include the salary of the teacher and all other expenses as well.

Mrs. Smith asks further whether a rural school can have a nine months' term if the directors see fit and make an estimate for a term of that length, and this I think is also equally plain from the quotation above made, that in all rural school districts estimates may be made for seven, eight or nine months as the directors may decide, and if those estimates are approved by the county superintendent and by the county commissioners, then the school term can be for the longer period.

I return Mrs. Smith's letter herewith.