

Opinion No. 16-1825

June 15, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Dr. Frank H. H. Roberts, President, State Board of Education, Santa Fe, New Mexico.

Issuance of teachers' certificates by State Board of Education.

OPINION

{*389} Referring to my letter of the 10th instant addressed to you, it has occurred to me that another very reasonable view might be taken as to the subject of that letter, which would, however, lead only to the same practical result, and I feel that I should state it to you.

The subject of that letter was as to whether, under the last act of the legislature concerning the certification of teachers, which is published as Chapter 81 of the Session Laws of 1915, the special certificates which may be issued to teachers of particular subjects, as authorized by the last paragraph of Section 2 of that act, must conform to the limitation contained in Section 4866 of the Codification. {*390} Section 4866 is the one which prohibits the granting of a certificate to any person to teach in the public schools who has not passed a satisfactory examination to enable him properly to teach the branches of study provided for in the three preceding sections, which subjects so provided for are the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system.

The view might be taken, even if we should hold that Section 4866 remains in force as to teachers generally, that the authority given in the last paragraph of Section 2 of said Chapter 81, to issue special certificates under such regulations as the State Board of Education may adopt, takes those special certificates out of the general class, so that the persons to whom such special certificates are given would not be required to pass the satisfactory examination provided for in Section 4866.

While I still believe that the opinion expressed in my former letter to you is correct, yet the view now suggested, as I understand, meets the particular question which was giving the Board some difficulty.