

Opinion No. 20-2458

January 9, 1920

BY: O. O. ASKREN, Attorney General

TO: Mr. Jose Montaner, Superintendent, Taos County Board of Education, Taos, New Mexico.

County Board of Education Not Authorized to Change Contracts of School Teachers.

OPINION

In reply to your letter of January 7th, advise it is my opinion the County Board has no authority to raise the contract of the district directors. The law specifically prescribes that teachers shall be employed by the Board of School Directors with the approval of the County Board of Education, and under such provision the County Board of Education could have approved of such employment or could have rejected such employment, but they had no right to make a new contract for the board of school directors without their consent. Therefore, it is not the imperative duty of the district board to issue warrants for the payment of teachers at salaries fixed by the County Board of Education.

Not only is the above opinion supported by the law but it is also supported by reason and equity, because if the district board had known at the time of making the original contract they were going to expend \$ 75.00 per month instead of \$ 60.00 per month, then and in that event they might have selected a different teacher from the one they did select at \$ 60.00 per month.

There is nothing to support the action of the County Board of Education in the matter submitted to me, and it is to be regretted that this conflict arose between the district board and the county board of education.