

**Opinion No. [30-75]**

May 9, 1930

**TO:** Office of the Attorney General of New Mexico

SCHOOLS -- Boards may employ relatives of members.

**OPINION**

Reference is made to yours of even date with which you submit a letter from James Steele of Grenville, New Mexico, asking whether or not it will be necessary for him to resign as trustee of a rural district in order that his wife may teach in the school. I assume he means by trustee a director in a rural board.

I know of nothing in the statute prohibiting the employment of a wife or relative by a board of which the husband or other relative is a member. The idea that this is prohibited may grow out of the limitations placed upon public officers by section 96-136, Codification of 1929, but which specifically provides that it shall not apply to persons employed as teachers in the public schools.

Mr. Steele seems to be under the impression that the Board of Directors of a rural district employs the teachers in such district. Of course this is erroneous as such teachers are employed either by the county board of education or by the county superintendent under authority granted by the county board.