

**Opinion No. [30-85]**

April 14, 1930

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

SCHOOLS -- Effect of incorporating of a town or village.

**OPINION**

This will acknowledge receipt of yours of the 12th inst. in which you quote a telegram from Lubbock, Texas, and ask an opinion on the questions submitted in that telegram.

You are advised that in our opinion a rural school district does not become a municipal district by the mere incorporating of a town or village in that district but remains a rural district under the control of the county school board until the State Superintendent certifies the district to be a municipal district. There is no statutory provision for the election of a first board in a municipal district. The county board probably loses control when the district has been certified as a municipal district and has no authority to appoint a new board. The board of directors of the rural district is likewise without authority after the State Superintendent certifies the existence of a municipal district.