

Opinion No. [30-93]

July 10, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. W. A. Hescenmeyer, Village Clerk, New Hobbs, New Mexico.

SCHOOLS -- Independent rural school districts election in.

OPINION

I have yours of the 5th inst. in which you certify that the Mayor and Trustees of the Village of New Hobbs have officially canvassed the returns made by the Election Board presiding over the New Hobbs Independent School District election held at New Hobbs, Lea County, New Mexico, July 1, 1930, etc.

By this I am somewhat mystified as I do not understand by what authority the election was held on July 1, 1930, nor how the results came to be certified by the Mayor and Trustees of the Village.

I assume that some rural school district has been certified as an independent rural school district although from what little I know, in a general way, of the growth of New Hobbs, I had not heretofore supposed that there was a school district there in which the average daily attendance for two consecutive school terms exceeded four hundred as required by section 120-818 for the changing of a rural school district into an independent rural school district upon the certificate of Superintendent of Public Instruction.

By section 120-812, Codification of 1929, provision is made for boards of directors in rural schools and for the terms of office in boards elected in newly created districts.

Referring again to section 20-818, districts certified to be independent rural school districts shall thereafter be governed by a board of school directors appointed or elected and holding office as in other rural school districts but which shall have the same powers and perform the same duties as are provided by law for municipal boards of education. The election of boards of directors in rural school districts, as provided in section 120-813, is conducted by the board of directors serving at the time and the vote cast at the election is canvassed by that same board.

I shall appreciate it if you will write me explaining the situation and pointing out more specifically just what the procedure has been relative to this election and as to the creating of the independent rural school district in New Hobbs.