

Opinion No. [30-94]

September 18, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mrs. Margarita Jaramillo, 103 Alamo Street, Las Vegas, New Mexico.

SCHOOLS -- Teachers must hold certificates.

OPINION

I have yours of the 16th inst. in which you ask to be advised as to the legality of granting permits to fill teaching positions.

By reference to section 120-1101, Codification of 1929, we find it to be one of the duties of every teacher to present his **certificate** to the school authority employing him before assuming the duties of a school teacher.

Section 120-1103 is as follows:

"Any person who teaches in the public schools without the required **teacher's certificate** shall forfeit all claims of compensation for services rendered."

In section 120-1425 pertaining to kindergartens it is provided that no person shall teach kindergarten schools without a diploma from a reputable kindergarten teacher's institute or without passing an examination in kindergarten work prescribed by the State Board of Education.

By a perusal of section 120-105 (f) we find it to be within the powers of the State Board of Education to issue temporary **teaching certificates** in the interim of examinations.

We find no provision in the statute for the issuing of permits by anyone. Even a state board of education does not grant permits but may grant temporary certificates and then only for periods between examinations and as you have noted above, anyone presuming to teach without a certificate forfeits the right to any compensation therefor.