

Opinion No. 31-247

August 24, 1931

BY: E. K. Neumann, Attorney General

TO: Mrs. Georgia L. Lusk, Supt. of Public Instruction, Santa Fe, N. M.

{*99} We have your letter of August 21st, enclosing copy of letter from Miss Anita Bergere, County Superintendent of Schools of Santa Fe County.

Miss Bergere desires information upon questions as follows:

1. It is desired to know whether the County Board of Education or the County Superintendent of Schools has the authority to assign principals and teachers to various grades in the individual schools?

In our opinion, the answer of this question is found in Section 120-804 New Mexico Statutes, Annotated, 1929 Compilation, which provides in part as follows: ". . . the County Board of Education shall have supervision and control of all rural schools and districts and of sites, buildings, equipment and funds of said district, with the power to employ and discharge all teachers and all school employees of said school, provided that the County Board of Education may, in its discretion, delegate to the County School Superintendent the power to employ and discharge all teachers and school employees." In our opinion, therefore, the matter of assignment of principals and teachers to various grades and the employment of same is vested in the County Board of Education, unless such County Board delegates such duties to the County School Superintendent.

2. It is next desired to know whether the County Board of Education may delegate one of its members to employ janitors and wood-haulers without conference and recommendation by the Superintendent?

No doubt the County Board of Education may delegate one of its members to perform this service, but in each instance the actions of the individual member in employing woodhaulers, janitors and the like should be ratified by the County Board of Education.

The third question of Miss Bergere's letter calls for a discussion of a question of fact, and this office does not, at this time, feel that it should make any attempt to answer same.

We may say however that if anyone wishes to object to the actions of the President of the County Board of Education, the individual members of the Board may object before the Board to such action and let the Board's decision in the matter be final.

Trusting the foregoing will prove of some benefit to you and those interested, I am,

By Frank H. Patton,
Asst. Attorney General