

Opinion No. 41-3868

August 14, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr R. H. Grissom Educational Budget Auditor Santa Fe, New Mexico

{*89} Your letter dated August 12, 1941, requests this office for an opinion as to whether or not school boards may employ a business manager and, if they may, whether the appointee may be a member of the board.

In delegating powers to county boards of education no mention is made that the board has the power to employ a business manager. See Chapter 114, Laws of 1937 and Sections 120-801 to 120-828, New Mexico Statutes Annotated, 1929 Compilation and 1938 Supplement.

Independent rural school district boards of education have certain powers, but the power of appointing a business manager is not included. (See Chapter 17, Laws of 1937.) Municipal school boards are given the power to employ a superintendent but not the power to employ a business manager. (See Chapter 22, Laws of 1933.) It will be noticed also that Chapter 121, Laws of 1941, sets up all of the items which may be included in school budgets. An item for salary of a business manager cannot be found in either the Maintenance or Direct Charge budgets. It is common knowledge that most school superintendents are the business manager for the school.

In view of the foregoing we are of the opinion that school boards may not employ a business manager.

Since your first question has been answered in the negative, we find it unnecessary to answer your second query.

Trusting that the foregoing sufficiently solves your problem, I am.

By GEO. H. HUNKER, Jr.

Asst. Atty. General