

**Opinion No. 43-4342**

July 23, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. James A. Clifford, President, New Mexico Institute for the Blind, Alamogordo, New Mexico

In your letter dated July 20, 1943, you inquire whether section 55-1111 of the 1941 Compilation, relative to re-employment of teachers, is applicable to the New Mexico Institute for the Blind.

This section applies only to teachers in school districts, whether rural, municipal or otherwise, and would not apply to a state educational institution, under the language of the section itself.

Section 5-101 of the 1941 Compilation provides that the New Mexico Institute for the Blind is a state institution, and section 5-102 gives the Board of Trustees power to employ all teachers, physicians, wardens, superintendents and employes, to prescribe the duties and compensation of each, and to remove or discharge any officer or employee appointed or selected by the board when, in their judgment, the interest of such institution shall require. Since there is a specific statute governing the employment and discharge of teachers by the New Mexico Institute for the Blind and other state institutions mentioned in these sections, the general law relative to employment of teachers would not apply in any instance.

By C. C. McCULLOH

First Asst. Atty. Gen.