

Opinion No. 45-4756

July 19, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mrs. Georgia L. Lusk Superintendent of Public Instruction Department of Education
Santa Fe, New Mexico

{*107} We are in receipt of your letter of July 16, 1945 and the enclosed letter from Mr. Adrian Martinez. Mr. Martinez states that he has been principal at Abiquiui for the last two terms. He states in his letter dated July 12, 1945 that he has been recently notified by the county superintendent of Rio Arriba county that he has been appointed as principal at Truchas, New Mexico. In view of this situation, you ask our opinion as to whether or not the county school superintendent may legally force him to make this transfer.

As I presume no notice to discontinue his service was given him on or before the last day of the school term, his status became fixed on that date. As the new tenure law, Chapter 125 of the Laws of 1945, did not carry an emergency clause, it did not become effective until July 8 and so has no application to Mr. Martinez. For this reason, I am enclosing copy of Opinion No. 4573 in which it was held that if the school failed to give notice before the close of the school year the contract of the teacher was renewed for an additional year in the same school and in the same position.

On the proposition as to whether or not a principal is covered by the teacher tenure law, I am enclosing Opinion No. 4408.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General