

**Opinion No. 46-4873**

March 8, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Raymond Huff, President State Board of Education Santa Fe, New Mexico

{\*201} We have your letter of March 7, 1946, wherein you request an opinion of this office concerning the fact situation which involves an increase in salary of a rural school supervisor, which increase in salary was approved by the County Board, and the amount of the increase was duly budgeted. The rural school supervisor involved has not been working under the terms of a specific contract, but has obtained permanent tenure under the teacher tenure law, and holds her position by virtue of such law, rather than by the specific provisions of a current contract.

In view of the foregoing facts, we can see no legal question concerning the legality of this raise, since the teacher tenure law cannot be considered as a contract which would prohibit a teacher from obtaining a raise in salary after he obtains permanent tenure, under the provisions of the State Constitution prohibiting increases after contract made.

Since this amount has been budgeted and approved by the County Board, it is the opinion of this office that the salary, as raised, should be paid to the rural school supervisor involved.

By HARRY L. BIGBEE,

Asst. Atty. General