

**Opinion No. 52-5534**

June 27, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Honorable T. C. Jaramillo State Senator La Joya, New Mexico

{\*245} During our conference April 4, 1952, you requested an opinion as to whether La Joya schools are entitled to a teacher for every 20 pupils, La Joya being an independent rural school district and not a municipal school district. The pertinent part of Chapter 129 of the 1949 New Mexico Session Laws reads as follows:

"AN ACT AMENDING LAWS 1945, CHAPTER 75, SECTION 1 (Section 55-1107, NEW MEXICO COMPILATION OF 1941, POCKET SUPPLEMENT, RELATING TO TEACHERS TO BE EMPLOYED IN THE PUBLIC SCHOOLS.

Committee Substitute for

Senate Bill No. 136;

Approved March 16, 1949

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. That the provisions of Laws 1945, Chapter 75, Section 1, being Section 55-1107 of the New Mexico Compilation of 1941, Pocket Supplement, be and the same are hereby amended to read as follows:

'55-1107. Maximum number of teachers to be employed. -- Not more than one (1) teacher shall be employed:

(a) In rural schools to every twenty (20) pupils or major fraction thereof.

(b) In municipal schools, to every twenty-five (25) pupils or major fraction thereof; and provided that rural elementary schools employing over 10 teachers shall be classified as municipal schools for the purpose of this act only.'

This Chapter 129 of the New Mexico Session Laws of 1949 amended Chapter 75 of the Laws of 1945 being Section 55-1107 New Mexico Compilation of 1941, Pocket Supplement. Chapter 75 of the 1945 New Mexico Session Laws provides that not more than one teacher shall be employed, (a) In rural schools to every 25 pupils or major fraction thereof, (b) In municipal schools to every 30 pupils or major fraction thereof.

The amendment made by Chapter 129 of the 1949, New Mexico Session Laws reads as follows:

"Not more than one teacher shall be employed, (a) In rural schools to every 20 pupils or major fraction {\*246} thereof, (b) In municipal schools, to every 25 pupils or major fraction thereof."

It is, therefore, my opinion that Chapter 129 of the 1949 New Mexico Session Laws amend and supersedes Chapter 75 of the 1945 New Mexico Session Laws, and that La Joya being an independent rural district, and not a municipal district is entitled to one teacher for every 20 pupils or major fraction thereof.

Trusting that this fully answers your inquiry, I remain,