

**Opinion No. 53-5727**

April 10, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Floyd Santistevan Assistant Superintendent of Public Instruction Department of Education Santa Fe, New Mexico

{\*122} In your letter of April 3, 1953, you enclose a letter from J. A. Conway, Superintendent of the Reserve Union High School, wherein he requests the opinion of this office as to whether or not a school bus driver for the school district may qualify as a member of the Union High School Board with which he has a contract for the operation of a school bus.

Sec. 55-715 of the 1941 Compilation, Pocket Supplement, prohibits members of boards of education from doing "any work under contract" with the school with which they are connected. Sec. 55-1802 of the 1041 Compilation, P.S., provides for the operation of school buses under four-year renewable contracts. Violation of § 55-715, 1941 Comp., P.S., constitutes a felony punishable by imprisonment in the penitentiary not exceeding one year and for a fine not exceeding \$ 1000.

{\*123} It is the opinion of this office that should any school bus driver qualify and serve as a member of the Board of Education with whom he holds a contract, without first terminating the contract, such person would be in violation of § 53-715 of the 1941 Compilation, Pocket Supplement.

By: Walter R. Kegel

Assist. Attorney General