

Opinion No. 53-5835

November 2, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: O. J. Holder Educational Budget Auditor Post Office Box 668 Santa Fe, New Mexico

{*253} In your letter dated October 28, 1953, you enclose a letter from the Superintendent of Schools of Los Alamos County in which he inquires whether there is anything to prevent offering or paying to practicing teachers the sum of \$ 37.50 for dormitory room rental for six weeks of practice teaching in the schools. The Superintendent is desirous of attracting young people to do their practice teaching in Los Alamos but finds it difficult unless the nominal sum can be paid in this connection.

§ 55-1103, of the 1941 Compilation, provides as follows:

"Any person who teaches in the public schools without the required teacher's certificate shall forfeit all claim to compensation for services rendered."

This section, of course, would relieve a school board from any liability for compensation to a teacher who teaches without the required certificate. However, it is intended to apply to full time contract teachers and would not cover the temporary employment of students who wish to perform services **for the** school and at the same time obtain the required experience in practice teaching necessary for a teacher's certificate.

It is a well known fact that there is a shortage of teachers in the State and educational institutions and school people generally feel that more young persons should be stimulated to enter the teaching profession, if possible.

It is, therefore, our opinion that the payment of a nominal sum for services rendered could be made to practicing teachers, provided the Board has the necessary funds in {*254} their budget for this purpose and feels that the services rendered by the temporary employee will justify the nominal payment.

By: C. C. McCulloh

Assist. Attorney General