

Opinion No. 54-5953

May 21, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Floyd Santistevan, Director State Education Retirement Board Santa Fe, New Mexico

{*410} In your letter dated May 18, 1954, you state that a certain teacher has been a full time teacher during the current school term, 1953-54, but started to teach in New Mexico during the 1952-53 term as a substitute teacher. You inquire whether this teacher would be entitled to half credit for not more than ten years educational service in other states in view of the provisions of Chapter 57, Laws of 1953, Section 1, being Section 55-1114 of the 1953 Supplement.

Prior to the amendment in the 1953 law, there was no requirement that credit for out of state service be based upon contract or regular employment in order for the teacher to qualify for the out of state service credit. However, the 1953 amendment provides as follows:

"Provided that in either case, half credit may be given for not more than ten (10) years of educational service in other states, territories and possessions of the United States prior to serving in New Mexico, to any contract teacher, and education system employee covered hereunder, if regularly employed in New Mexico prior to the passage of this act, . . ."

Under this amendment, it is apparent that the teacher must be under contract and regularly employed prior to the effective date of the 1953 Act in order to qualify for out of state service credit. The 1953 Act became effective June 13, 1953, and unless this teacher had a contract for the 1953-1954 school term prior to that date, she would not be eligible to receive credit for out of state teaching.

By: C. C. McCulloh

Assist. Attorney General