

**Opinion No. 56-6443**

May 14, 1956

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

**TO:** Mr. Charles B. Barker, Assistant District Attorney, First Judicial District, County Court House, Santa Fe, New Mexico

You have asked whether a County Board of Education may employ a principal of a rural school for a period of more than one year, and if so, is there a limit on the number of years for which a principal may be employed.

A teaching principal would be hired on a yearly contract, since § 73-12-13, N.M.S.A., 1953 Compilation, provides for a written notice for placement for each teacher on or before the closing day of school of each year, and a written contract executed by school governing boards and teachers not later than ten days before the opening of the next school term.

Therefore, in view of this statute, a teaching principal could not be employed under a contract for a period of more than one year.

The problem of a non-teaching principal is not so easily answered. We are informed that as a matter of practice that principals are not hired except upon yearly contracts.

Section 73-12-13 does not apply to non-teaching principals since the same refers only to teachers, and further, this office has held in Opinion No. 6298 that such principals do not acquire tenure.

Section 11-6-2 would be a prohibition against a County Board of Education contracting for an expenditure of the type about which you ask beyond any school year in which the term of office of the County School Superintendent expires.

The Bateman Act, § 11-6-6, would prohibit the County Board of Education from entering into a contract which could not be paid out of the money actually collected and belonging to that current year.

In addition, it is doubtful if a person holding a contract for more than one year could enforce same against a County Board of Education.

In view of the foregoing, it is our advice that a County Board of Education not employ a principal of a rural school for a period in excess of one year.

By J. A. Smith

Assistant Attorney General