

Opinion No. 14-1211

April 30, 1914

BY: IRA L. GRIMSHAW, Assistant Attorney General

TO: Honorable Filadelfo Baca, Assistant Superintendent of Public Instruction, Santa Fe, New Mexico.

SCHOOLS.

A public school shall not be conducted on Saturday.

OPINION

{*71} We have your request for information as to the legality of certain acts of teachers of public schools in outlying districts. We understand from the advices we have received from you that teachers of public schools in some of the districts hold school on Saturdays, and in computing the time constituting the school term take into consideration the hours of school taught on Saturdays, thereby closing the term twelve or fifteen days before it otherwise would be closed had school been conducted only five days a week. We take it that the teachers proceed on the theory that a term consists of so many months; that during each of those months they must teach so many hours, and that they may shorten the school term in months by teaching school on Saturdays.

While the method being pursued by some of the teachers in this regard may be commendable from some points of view, we believe that the law does not permit them to teach on Saturdays and take advantage of those days in the manner hereinabove outlined.

Section 1557 of the Compiled Laws of 1897, with its amendments, provide that a school month shall consist of four weeks, of five days each, and a school day shall consist of six hours. Three months is the minimum school term. No difficulty in interpretation is presented by the statute. In effect it makes it mandatory upon school officials to teach, or have taught, school thirty hours a week. No {*72} one week shall consist of more than five days, however. During the course of a school month a pupil in a public school must receive instruction for at least one hundred and twenty hours, in twenty periods or installments, but not to exceed five periods or installments of six hours each during any one week. The statute is not susceptible of any other construction. It follows that the term cannot be shortened nor the last day thereof be advanced by teaching an extra day in the week or more than thirty hours in the week or more than one hundred and twenty hours in the month.

If it were permissible for teachers to increase the number of days in a week, it would be equally permissible to increase the number of hours in a day, say to ten, and then insist that two calendar weeks of six days each would be a school month.