

Opinion No. 14-1195

April 18, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. W. L. Paddack, Farmington, New Mexico.

SCHOOLS.

County school superintendent has no control over schools in incorporated towns.

OPINION

{*53} I have just received your letter of the 15th inst., in which you ask for information as to the extent of authority of the county school superintendent in school matters in your incorporated town. You say also that the latest law, of which you know anything, seems to make the Board of Education free from any dictation from the superintendent. I believe you are correct in this view, as the latest statute on the subject is to be found in Chapter 67 of the Laws of 1913, by which provision is made for the election of a board of education in each incorporated town and village, which board is to have sole control over schools and school property within each incorporated town, {*54} the territory attached thereto for school purposes, and the school district of which the town was a part before incorporation.

Any possible difference of opinion on this subject is probably due to the fact that Section 20 of Chapter 97 of the Laws of 1907 provided that the county superintendent of schools should have jurisdiction over all public schools within his county, excepting those in cities. The act of 1913, however, by clear implication, does away with the effect of the act of 1907 as to the jurisdiction of the county superintendent with regard to schools in incorporated towns or villages.