

Opinion No. 21-2938

April 29, 1921

BY: A. M. EDWARDS, Assistant Attorney General

TO: Hon. John V. Conway, State Superintendent Public Instruction, Santa Fe, New Mexico.

Duties of County Superintendent of Schools.

OPINION

{*50} This office is in receipt of a letter of April 12th from Geo. M. Brinton, County Superintendent of Schools of Eddy County, in which he asks you to secure the opinion of the Attorney General as to the scope of his duties as county superintendent, particularly with reference to the amount which shall be allowed to him as traveling expenses. Accompanying this letter is a report of salary and expense adjustment of Mr. Brinton made by the State Traveling Auditor. From this report it appears that for the year 1919 and the first quarter of 1920, Mr. Brinton claims a traveling allowance of over \$ 500.00, which the Traveling Auditor has reduced to \$ 125.00, under the provisions of Chapter 101 of the Laws of 1917.

In the opinion rendered by Attorney General Patton on July 21, 1917, addressed to Mr. Wagner, then Superintendent of Public Instruction, it was held that under the provisions of section 4873 of the 1915 Codification the sole control over all schools within municipalities was given to the County Boards of Education and was taken away from the County School Superintendent.

The schools in Artesia, Dayton and Hope are classed as "independent districts" by Mr. Brinton in his letter to you.

Assuming that these so-called "independent districts" are schools within municipalities, they, together with the schools in Carlsbad, are not under the jurisdiction of the County Superintendent.

If, as stated in the Traveling Auditor's report, the number of rooms in the county rural schools in Eddy county is twenty-six, then the Traveling Auditor is correct in limiting Mr. Brinton's traveling allowance to one hundred dollars per annum.

{*51} As you request, we return herewith the letter of Mr. Brinton to you and the copy of the Traveling Auditor's report, as well as the copy of Mr. Brinton's letter to Mr. Whittier, the Traveling Auditor.