

## Opinion No. 22-3597

October 5, 1922

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. W. F. Anderson, Secretary, Board of Education. Willard, New Mexico.

### **Salaries of Teachers and Contracts for Transportation Pupils in Municipal Districts.**

#### **OPINION**

{\*180} In reply to your letter of the 26th ultimo, received yesterday upon my return from the east, I wish to advise:

You make several inquiries concerning the maximum salary for teachers in a municipal district, and also regarding expenditures for transportation of pupils to and from schools.

You state that your estimates have been reduced by the State Educational Auditor and the State Tax Commission, so that your Board is unable to meet the salaries of teachers as provided for in contracts entered into prior to the submission of the budgets to the Tax Commission.

The State Educational Auditor and the State Tax Commission have authority to change, amend, modify and reduce school budgets, and if in so doing, the salaries provided for in contracts with teachers must be reduced in order to remain within the limits of the budget, then the contracts must be so modified. There is no method by which additional funds may be raised in order to increase the school fund so as to pay teachers the salaries provided for in their contracts with the Board of Education.

The same ruling applies to the contracts for transportation of children to and from the schools. If the Educational Auditor and the Tax Commissioner have reduced the budget estimates to an amount less than that which the contracts provide shall be paid for transportation, then the contracts must be modified so as to conform to the budget estimates.

The State Supreme Court yesterday handed down a decision holding that no more than \$ 110.00 per room per month for a period of nine months, can be expended in a rural school where less than four teachers are employed. The sum of \$ 110.00 must include all expenses, including salary of teacher, janitor, cost of light, fuel and school supplies.

The above limitation does not apply to municipal schools., nor {\*181} is there any maximum salary provided by law for teachers in municipal school districts.

I am requesting the State Superintendent of Public Instruction to supply you with a copy of the latest compilation of the school laws.