

Opinion No. 31-210

July 17, 1931

BY: E. K. Neumann, Attorney General

TO: Mrs. Georgia L. Lusk, Superintendent of Public Instruction. Santa Fe, New Mexico.

{*85} We have your letter of July 17th, 1931 requesting an opinion as to the power of the County Board of Education to employ teachers over the protest of the local board of a rural school district.

Enclosed herewith you will find an opinion of this office, which, I believe, will answer the question entirely.

In connection with this opinion a reading of Section 5 of Chapter 119 Session Laws of 1931 will disclose that the county board has the absolute power to employ teachers in rural district. This section and Section 120-809, 1929 Code must be read together, and same is, in part as follows:

" . . . the county board of education shall have supervision and control of all rural schools and districts, . . . with the power to employ and discharge all teachers and school employees of said schools, subject to the limitations herein otherwise provided;"

This brings us to the conclusion reached in the attached opinion. The county board may advise with the local board, and shall be for nominations for teachers and other employees, but may in its discretion disregard {*86} any or all such recommendations.