

Opinion No. 37-1624

April 29, 1937

BY: FRANK H. PATTON, Attorney General

TO: Hon. H. R. Rodgers Superintendent of Public Instruction Santa Fe, New Mexico.
Attention: Mr. James A. McNeil Director of Certification

{*87} Your letter of April 28th refers to administrative certificates and the requirements necessary to the issuance of same.

Without referring to your letter in detail, it is my belief that your proposition is completely covered by Chapter 108 of the Session Laws of 1935, which provides as follows:

"Hereafter no certificate shall be issued by the State Board of Education to teach in the public schools in this state to any applicant unless such applicant shall in addition to meeting all other requirements now or hereafter prescribed by law or by regulation of the State Board of Education have had at least six (6) semester hours or nine (9) term hours of satisfactory work in an institution of higher learning in the State of New Mexico of college or university rank. Provided, however, that any applicant who has met all other requirements now or hereafter prescribed by law or by regulation of the State Board of Education except the requirements of six (6) semester hours or nine (9) term hours of satisfactory work in an institution of higher learning in the State of New Mexico of college or university rank, shall be granted a one year temporary teaching certificate. Only one such temporary certificate shall be granted to any one applicant."

Due to the language in the above provision requiring six semester hours or nine term hours, which language appears both in the body of the Act and in the proviso, it apparently is mandatory that this requirement receive full compliance by the applicant.

This is simply a matter of statute and the State Board of Education would have no power to waive it in favor of any applicant.

Apparently the law makes no distinction in so far as certificates are concerned and the quoted provision seems to apply to all certificates issued by the State Board of Education.