

**Opinion No. 38-1981**

June 23, 1938

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Donaciano Rodriguez, Member State Tax Commission Mesquite, New Mexico

{\*244} With respect to your recent request for an opinion as to who has the authority to set the salaries of teachers in rural school districts:

Since Section 120-804 of the 1929 Compilation, as amended by Chapter 114, Laws of 1937, provides that "except with respect to independent and union high school districts, the county board of education shall have supervision and control of all rural schools and districts, \* \* \* and funds of said districts, with the power to employ and discharge all teachers \* \* \*," it is my opinion that in rural school districts the county board of education is the authority charged with the duty of fixing the salaries for school teachers. This authority, under the terms of that statute, may be delegated however to the county school superintendent.

Budgets for salaries are of course made in conjunction with the budget auditor, and the State Tax Commission, and the amounts set by such budgets are a limitation upon the power of the board to expend the monies appropriated for salaries.

If the above does not give you the information desired, kindly let me know and I will be glad to communicate with you further.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.