

**Opinion No. 39-3056**

March 18, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mrs. Grace J. Corrigan, Superintendent of Public Instruction, Department of Education, Santa Fe, New Mexico.

{\*24} Replying to your letter of March 15 requesting an opinion as to who has the authority to give a truant officer power to enforce school law in connection with attendance.

Chapter 120, Section 1429 of the New Mexico Statutes, Annotated, 1929 Compilation, defines the governing authority as follows:

"The words 'governing authorities,' or their equivalents as used herein shall refer to either county or municipal boards of education, union high school boards, boards of school directors of independent districts, the state board of education or the superintendent of public instruction, according to the context."

From reading the above law, it is my opinion that the truant officer is under the direction and authority of the board of education, and it is for the board of education to delegate such powers necessary for the enforcement of the school laws to their truant officer.

The board of education generally leaves this matter to the superintendent for his supervision the same as the supervision over the teachers.

By: GEORGE LOUGEE,

Asst. Atty. Gen.