

**Opinion No. 39-3182**

June 21, 1939

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

**TO:** Mr. J. T. Reese, State Director of Transportation, Department of Education, Santa Fe, New Mexico.

{\*69} In your letter dated June 16 you make the following inquiry:

"Does the County Board of Education have the power to raise or lower the salaries of school bus drivers, or does the State Director of Transportation have jurisdiction in this matter?"

The office of State Director of Transportation was created by Chapter 156, Session Laws of 1937, Section 2 of which defines the powers of the Director as follows:

"He shall have authority, with the approval of the State Board of Education, to establish standards of transportation, including the establishment of bus routes, requirements of drivers and specifications for busses used in the transportation of pupils."

The foregoing grant of power cannot be construed as authorizing the State Director of Transportation to raise or lower the salaries of school bus drivers.

The paragraph numbered 120-2503 of Section 1 of Chapter 29, Session Laws of 1937, provides as follows:

"The governing boards of education of the districts within or through which transportation routes are established shall have power, with the approval of the State Board of Education to enter into contracts for the transportation of pupils for any period of time not to exceed four years. \* \* \* No contract for the transportation of pupils shall be valid or in effect, nor shall any payments be made thereunder from public funds, unless and until the terms of this Act have been met."

From the foregoing it appears that the matter of salaries of school bus drivers, or at least the matter of contracting for the transportation of pupils, is one for the local governing boards subject to the approval of the State Board of Education. In this connection, the State Board of Education may undoubtedly, by proper resolution, delegate to the State Director of Transportation the duty of looking after the interests of the State Board of Education in such matters.

Trusting the foregoing sufficiently answers your inquiry, I am,

By FRED J. FEDERICI,

Asst. Atty. Gen.