

**Opinion No. 40-3411**

January 30, 1940

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

**TO:** Mr. R. H. Grissom, Educational Budget Auditor, Office of State Comptroller, Santa Fe, New Mexico.

{\*136} In your letter of January 25th you mention Section 12, Chapter 119 of the Session Laws of 1931, which reads in part as follows:

"Where the total number of pupils in average daily attendance in any rural school is less than twenty-five, but in excess of eight, one teacher may be employed in such school. Provided, that in high schools established on or before March 13, 1923, and having less than 31 and more than 18 regularly enrolled high school pupils in average daily attendance, two teachers may be employed, And, provided further, that in rural schools in which the average daily attendance during the school year of 1922-1923 was less than 38 and more than 30, and in which the entire eight elementary grades are taught, two teachers may be allowed. The above numbers shall be computed upon the basis of average daily attendance."

You ask whether this means that if there were eight pupils they could have two teachers, or whether it means that so long as they have thirty pupils they may have two teachers.

It is my opinion that the above means that so long as a rural school averages in daily attendance less than 38 pupils and more than 30 pupils, and in which the entire eight elementary grades are taught, that two teachers may be allowed.