

OPINION 21

OFFICIAL OPINION NO. 21

March 4, 1952.

Honorable Sam J. Bushemi,
State Representative,
3500 Connecticut Street,
Gary, Indiana.

Dear Sir:

Your letter of February 17, 1952, received, in which you request an official opinion on the following question:

“* * * I want to know where there are two teachers' organizations, can the school board tell the teachers which organization (if any) they must join—or that they (the teachers) must attend the meetings of one teachers' organization rather than the meetings of the other organization.”

This was the subject matter of an unofficial opinion to you under date of February 1, 1952, and the answer is the same as then given.

Section 28-4405, Burns' provides as follows:

“The school board of any city or town, and the township trustee of any township, may adjourn the schools of such city, town or township in order to allow teachers to attend sessions of schools or institutes of agricultural instruction held in the county, and the meetings of any teachers' associations, and to visit model schools under the direction of trustees or boards of trustees, and shall pay such teachers a wage for the time spent equal to the *per diem* of such teacher: Provided, That not more than three (3) days shall be allowed in any one (1) year.”

Under the above statute, it is clearly discretionary with the school board or school officials named, to adjourn the session of that school corporation for, among other things, attending meetings of any teachers' association.

From the tenor of the whole statute, it is clear the purpose of such statute is to make available to the teachers meetings which will be helpful to them in their professional work.

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There is also a provision in the uniform prescribed form of teachers' contract, relative to such attendance at meetings referred to in the statute.

While I do not believe the school authorities have the right to tell any teacher what organization or association they should belong to, the decision of the purpose of said adjourned days of school is left to the local school officials and the statutes seem to contemplate *per diem* pay for such adjourned days of school for teachers attending the meetings prescribed by their local school officials.

OFFICIAL OPINION NO. 22

March 6, 1952.

Mr. Frederick T. Cretors,
State Civil Defense Director,
Department of Civil Defense,
777 North Meridian Street,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion in which you ask a number of questions. The first question reads as follows:

"1. Under any statutes of Indiana, is compensation by the state provided for in the event of the death or disability of Indiana civil defense volunteers, public employees or both, either during authorized civil defense training activities, actual, natural or man made disasters, or both?"

In 1951 two acts were passed concerning civil defense; Chapter 268 created the Department of Civil Defense and granted general powers.

Section 11 of this act provides in part:

"(b) Personnel of mobile support units while on duty, whether within or without the state, shall, *if they are employees of the state*, have the powers, duties,