Honorable Wilbur Young,
State Superintendent of
Public Instruction,
227 State House,
Indianapolis, Indiana.

Dear Sir:

Your request for an official opinion of this office has been received and reads as follows:

“This office expects to make application for Federal Funds to conduct a school survey as set forth in Title 1, Public Law 815, 81st Congress, second session, approved September 23, 1950.

“Will you give me an official opinion on the two questions listed below so that we may know what course to follow?

1. What is the State educational agency primarily responsible for the state supervision of public elementary and secondary schools which is the sole agency responsible for carrying out the provisions of Section 101 Public Law of the United States No. 815 of the 81st Congress?

2. What agency or official would be the custodian of such funds and to whom will the Secretary of the Treasury of the United States make payments for the use of the state educational agency in carrying out its functions pursuant to said Act?”

In answer to your first question, it is clear that our Public School System is created by Article 8 of the Constitution of Indiana which also provides for the office of State Superintendent of Public Instruction and the schools to be established under the provisions provided for by the Legislature.

The Indiana State Board of Education is created by Section 28-405 Burns, same being Section 1, Chapter 330, Acts of 1945, to have the general supervision and authority over the common school system of the State. The State Super-
intendent of Public Instruction is chairman of that Board under the provisions of said statute.

Section 61-1301, *et seq.* Burns 1948 Replacement provides authority in any State Board, Department or Agency to cooperate with the Federal Government for the purpose of securing Federal assistance and grants to the State under Acts of Congress, however, the approval of the Governor is required by the above statute.

The State Department of Education has certain inspectors inspecting and checking on buildings and improvements and all new construction and additions to school buildings must now pass the approval of the Indiana State Board of Education, so the function of survey of the school system is within the general powers of said board.

On your second question it is submitted that the Office of Treasurer of the State of Indiana is authorized by Article 6, Section 1 of the Constitution of Indiana and his duties are to be defined by law.

In this State all funds payable to the State of Indiana for public purposes must be paid or turned over to the Treasurer of State and his authority is fixed and governed primarily by the provisions of Sections 49-1801 to 49-1817, Burns 1951 Replacement. In my opinion he would be the officer authorized to receive any Federal grants under the above mentioned Federal Law, for the use of the administering state agency.

OFFICIAL OPINION NO. 39

May 3, 1951.

Indiana State Board of
Registration for Architects,
State House,
Indianapolis, Indiana.

Dear Sirs:

Your request of April 11, 1951, for an official opinion of the Attorney General, is as follows:

"The Indiana Society of Architects has recommended that we modify our Rules and Regulations in