The above case further holds that the Board is not required to recognize "diploma mills" but clearly refers to schools of standing.

Also see Official Opinion No. 78, 1947 Ind. O. A. G. 381.

In the case of Hamilton County Hospital v. Andrews (1949), 227 Ind. 217, it was held that where public officials had duty to perform such as adopting certain standards and approving certain courses, that it is a duty which you cannot delegate to someone else, so you could not permit some outside agency to fix standards and approve schools when that duty devolved upon the Board.

However, under the foregoing case, in my opinion you could adopt as your own, well-recognized Standards fixed and published by an outside agency, and then act upon whatever information is available to you in finding whether or not the particular school meets these standards, but it would be the Board's determination of approval of the school and not that of the outside agency.

I assume from your letter that such was the manner in which your Board entered the adoption of standards and approved schools during the years in question and if so, for that period of time above outlined, only such schools as came up to that standard would be construed by your Board as approved schools of optometry; however, you could not enforce the one part of your rule, during that period of time, that such school be connected with a university.

OFFICIAL OPINION NO. 65

July 27, 1951.

Hon. F. C. Hockema,
Vice President and Executive Dean,
Purdue University,
Lafayette, Indiana.

Dear Mr. Hockema:

Your letter of July 18, 1951, has been received requesting an official opinion on the interpretation of S. B. 139 of the 1951 General Assembly.
The quotation of said bill as contained in your letter is not consistent with the provisions of said bill as finally enacted by the Legislature. Said Bill 139 is Chapter 271 of the Acts of 1951, and the part material to your question is Section 1, which reads as follows:

"No one shall receive a diploma from an Indiana high school who has not completed a full year’s two semester course in American history. All schools shall provide within the two weeks immediately preceding the day of any general, congressional or state election for all pupils in grades six through twelve inclusive, five full recitation periods of class discussion concerning our system of government in the State of Indiana and the United States, our methods of voting, our party structures, our election laws and the responsibilities of citizen participation in government and in elections."

In answer to your question it is clear that the above statute only applies to requirements for graduation from high-school and for certain class periods, in grades six to twelve included, concerning the system of government of the State and Federal governments.

It therefore does not apply to colleges and universities of higher learning and in fact leaves only one question in your letter to be answered, and that is what is the meaning of the term “general, congressional or state election”, as used in said statute.

Our general election code is Section 29-2801, Burns 1949 Replacement, same being Chapter 208, Acts of 1945. Section 2 of said Act, same being Section 29-2802, Burns 1949 Replacement, is the section on definitions of terms used in said General Election Code. It defines the words “general election” as follows:

"The words ‘general election’ shall mean and include the election provided to be held in the state on the first Tuesday after the first Monday of November in every even-numbered year."

It is clear these are the same elections at which congressional and state officials are elected. In said section of the
statute other definitions are given for "primary elections" and "city" or "town elections" and "special elections".

I am therefore of the opinion, the words "general, congressional or state elections" as used in the foregoing statute means the elections provided for in the General Election Code to be held in this State on the first Tuesday after the first Monday of November in every even-numbered year.

OFFICIAL OPINION NO. 66
August 3, 1951.

Mr. Robert M. Reel,
Executive Secretary,
Indiana Real Estate Commission,
1433 North Meridian Street,
Indianapolis, Indiana.

Dear Sir:

Your letter of July 2, 1951, has been received requesting an official opinion. The letter is as follows:

"During a discussion of this opinion (Official Opinion No. 49) at a recent Commission meeting, a question was raised. Would not this opinion be confined to cases where Business Enterprise includes some real estate?

"Assuming the business has absolutely no connection with real estate, would it then be necessary to obtain real estate license to sell same? We presume your opinion refers to a situation where the Business Enterprise does include real estate; however, we would like your comments to clear up this question during our next meeting.

"Also discussed was the authority of this Commission to set up minimum office requirements for real estate firms by rule when no specific reference is made in the Act itself (See Section 10 and Section 13). We would also like your opinion on this situation."

Official Opinion No. 49 was concerned with the definition of the term "real estate broker" in Section 22, Chapter 44,