OFFICIAL OPINION NO. 26

May 6, 1949.

Mr. Deane E. Walker,
State Superintendent of Public Instruction,
State House,
Indianapolis, Indiana,

Dear Mr. Walker:

Your letter of March 30, 1949 has been received in which you request an official opinion as to whether or not a person who has had three years of public school teaching and two years of college teaching may meet the five years of experience as a teacher required for a Superintendent's Certificate by revised rule No. 20 of the Teacher's Training and Licensing Commission of the State Board of Education.

One of the requirements for the qualifications of an applicant for a Superintendent's Certificate is set out in clause 2 of the aforesaid rule, found in the 1948 revision, page 94, of the Official Indiana Rules and Regulations, Vol. 2, and reads as follows:

"Five years successful experience as an administrator, supervisor, principal or teacher, three years of which must have been within the last preceding ten years."

In the construction of the statute courts will look to the general purposes and scope of the statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 217 Ind. 555, 561;

A casual examination of any dictionary will show that the word "Teacher" is defined to be one who instructs. Under such a definition practically everyone is a teacher for we are constantly in our everyday tasks advising or instructing someone on some particular subject. A minister is a teacher; an instructor in business college is a teacher; and under the
broad definition of the word most of us could qualify as teachers. However, the rule above referred to deals with a superintendent's license in the public school system, grades 1 to 12 inclusive, and requires five years successful experience as an administrator, superintendent, principal or teacher. Each of such occupations having a well recognized status as positions in the public school system. Each tend to give a person, having fulfilled such a position in public school systems, with a special knowledge of administrator's problems of the public school systems which would confront a superintendent in the public school system.

It is well established that the same rule of construction applicable to statutes apply to rules and regulations of the administrative boards.

42 Am. Jur., Public Administrative Law, Section 101, p. 481;

For the foregoing reasons, I am of the opinion, experience as a teacher on a college level cannot be counted in order to qualify for five years teaching experience required by the foregoing rule as a qualification for a Superintendent's Certificate. The rule clearly requires five years teaching experience in the public school system as that is the requirement clearly intended when the board adopted said rule. This construction is entirely in harmony with the definition of the word "teacher" and "teaching experience" construed in connection with the Minimum Salary Act of Teachers and found in 1941 Ind. O. A. G. p. 179-180.

OFFICIAL OPINION NO. 27

May 6, 1949.

Mr. R. W. Elrod,
Indiana State Veterinarian,
Room 209, State House,
Indianapolis, Indiana,

Dear Sir:

Your letter of April 12, 1949 has been received and reads as follows:

"We would appreciate it very much if your depart-