

as teaching experience in order to qualify for a teacher's license under the present school laws?

"2. May experience in the Armed Forces be counted as teaching experience in order to qualify for an administrator's license under the present school laws,"

The only statute granting relief to teachers who are members of the armed forces is Ch. 97, Acts of 1941, same being Sec. 28-4322, *et seq.*, Burns' 1943 Supplement.

An examination of the foregoing statute reveals that the contract rights of a teacher, and the status of such teacher, shall be preserved while such teacher is in the military service of the United States in the present war. Section 3 of said Act, being Sec. 28-4324, Burns' 1943 Supp., provides, in part, as follows:

"\* \* \* Such teacher shall be deemed to have been granted a leave of absence for the duration of such defense service."

It is, therefore, clear that while the above Act preserves the contract rights, and the status of the teacher during such military service, it does not confer upon such teacher a right to claim credit for teaching experience during the time such teacher was a member of the armed forces. Therefore, each of your questions is answered in the negative.

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**STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:  
SCHOOL SECRETARIES: State Board of Education does  
not have authority to license school secretaries under the  
present school laws.**

November 13, 1944.

*Opinion No. 94*

Hon. Clement T. Malan,  
State Superintendent of  
Public Instruction,  
State House,  
Indianapolis, Indiana.

Dear Sir:

Your letter concerning school secretaries requests an official opinion on the following question:

“Does the State Board of Education have the right to license school secretaries under the present school laws?”

It has been consistently held in this State that public officers may exercise only those powers delegated to them by statute.

Blue v. Beach (1900), 155 Ind. 121, 131;  
 Department of Insurance v. Church Members  
 Relief Assn. (1939), 217 Ind. 58, 60.

In the case of State v. Currie (1893), 55 N. W. 858, 3 N. D. 310, 315, the word “secretary” is defined as follows:

“The terms ‘clerk’ and ‘secretary,’ as applied to subordinate ministerial functionaries, are by popular usage synonymous terms, and are frequently used interchangeably. ‘Secretary’ is defined as a person employed to write orders, letters, dispatches, public or private papers, records, and the like; an official scribe, amanuensis, or writer. A ‘clerk’ is defined as one who is employed to keep records and accounts; a scribe; a penman; an accountant, as the clerk of the court.”

Also see:

Words and Phrases, Vol. 38, page 439.

A “school secretary” would be a person who performs such ministerial functions for a school corporation.

A careful examination of the statutes fails to reveal any authority delegated to the State Board of Education to issue licenses to school secretaries.

I am, therefore, of the opinion the State Board of Education does not have the right to license school secretaries.