ACCOUNTS, BOARD OF: TOWNSHIP ASSESSORS—When permitted allowance for traveling expenses.

December 9, 1944.

Opinion No. 103

Hon. Otto K. Jensen,
State Examiner,
Department of Inspection and
Supervision of Public Offices,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Mr. Jensen:

This will acknowledge receipt of your letter dated December 1, 1944, in which you propound the following question:

"Is there any statutory authority for the appropriation and/or payment of any amount to a township assessor for traveling expense?"

Answering your specific question, I beg to advise that a thorough and careful examination of the Indiana statutes fails to disclose any statute which authorizes the appropriation or the payment of any amount of money to a township assessor for traveling expense, save and except Burns' R. S. 1943 Replacement, Vol. 11, Section 64-1103, as amended by Section 1 of Chapter 188, Acts of 1943.

The above section provides in substance that the State Board of Tax Commissioners shall annually call a meeting of the county assessors and of the township assessors in townships of over 5,000, according to the last United States census, to be held at such time and place as said board may select, and to continue not longer than three days in any one year; that each assessor attending may be allowed four cents per mile for the distance actually traveled by the most expeditious railroad route or the nearest route by highway in going to and returning from such meetings, and four dollars per day for expenses while attending such meetings, not to exceed three days in any one year. This is the only statute which I have been able to find which authorizes the appropriation or payment of traveling expenses to a township assessor.
Therefore, except as above noted, it is my opinion that there is no specific statutory provision for the appropriation or payment of traveling expenses for township assessors.

PUBLIC INSTRUCTION: Schools — Exclusion of pupils. The school board or township trustee, and the school teacher or principal or superintendent, may suspend or exclude unless prevented by rule of school board or township trustee.

December 11, 1944.

Hon. Clement T. Malan,
State Superintendent of
Public Instruction,
State House,
Indianapolis 4, Indiana.

Dear Dr. Malan:

Your letter of November 29, 1944, received, requesting an official opinion on the following question:

"Who has the legal right to exclude or suspend a pupil from the public schools of Indiana?"

Section 28-2410, Burns' 1933, same being Section 1, Chapter 192, Acts of 1899, as amended, provides in part as follows:

"The school trustees shall take charge of the educational affairs of their respective townships, towns and cities. They shall employ teachers, establish and locate conveniently a sufficient number of schools for the education of the children therein, and, build, or otherwise provide, suitable houses, furniture, apparatus and other articles and educational appliances necessary for the thorough organization and efficient management of said schools. * * *.*"

In the case of the State ex rel. Andrew v. Webber; et al. (1886), 108 Ind. 31, the school superintendent suspended a pupil for refusing to follow the prescribed course of studies established by the school board. The school board refused to