PUBLIC INSTRUCTION: Teacher Tenure.—Construction of amended Act; whether the sixth contract must be consecutive with the first five contracts.

April 20, 1943.

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

Dear Mr. Malan:

I am in receipt of your letter dated April 16, 1943, requesting an opinion upon the following question:

“A teacher was given contracts for the school years of 1919-20, 1920-21, 1921-22, 1922-23, 1923-24 by a city school corporation. Said teacher taught for the school corporation during those years. Said teacher never taught for the school corporation again. If this teacher is given a contract for the school year of 1943-44, will she under the Acts of 1927, page 259, amended by Acts of 1933, page 716, or any other statutory provision become a permanent teacher of such school corporation and will such contract constitute an indefinite contract?”

The answer to your question must necessarily be found in the language of the statute defining a tenure teacher. This statute is Burns’ R. S. 1933, Section 28-4307, and the applicable language reads as follows:

“Any person who has served or who shall serve under contract as a teacher in any school city corporation or in any school town corporation in the State of Indiana for five (5) or more successive years and who shall at any time hereafter enter into a teacher’s contract for further service with such corporation shall thereupon become a permanent teacher of such school corporation.”

The above language is plain, unambiguous and unequivocal and applies to every teacher in the State of Indiana who comes within the provisions of the above language, and it
seems to me that this language does not need any interpreta-
tion and that it speaks for itself.

Therefore, it is my opinion that the proper answer to your
inquiry is that if the teacher inquired about who has already
completed five (5) successive years as a school teacher is re-
employed and again enters into a teacher’s contract for further
service with the school corporation, such teacher becomes a
tenure teacher and the new teaching contract would constitute
an indefinite contract within the provisions of the statute.

STATE BOARD OF ACCOUNTS: Whether members of town-
ship advisory boards who were in office on the effective
date of Chapter 133 of the Acts of 1943 are entitled to
receive the compensation therein provided.

April 21, 1943.

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

Dear Mr. Jensen:

This will acknowledge receipt of your letter of April 16,
1943, asking my opinion as to the applicability of the provi-
sions of Chapter 133 of the Acts of 1943 to members of the
several township advisory boards of the state who are in office
on the effective date of said Act.

Your question is as follows:

"1. Are the members of the several township ad-
visory boards of the state, who are in office on the
effective date of Chapter 133 of the Acts of 1943,
etitled to receive the compensation as therein pro-
vided during their present term of office?"

In answering your question I call your attention to the fol-
lowing language of Chapter 133, Acts of 1943, reading as
follows, to-wit: