municipal offices, and it is our opinion that the provision does extend to them. * * *.*

Under the law as declared in the above case, it is clear that the present officers in the towns referred to in your letter will hold over until their successors are duly elected and qualified. See also:

State ex rel. Carson v. Harrison, 113 Ind. 434 on 447;
Spencer v. Knight, 177 Ind. 564 on 575.

Your letter states that in several of the towns of the state a salary ordinance was duly enacted by the Board of Town Trustees during 1943, fixing and designating the salary and compensation to be paid to the various officers who would be elected on November 2, 1943, and whose term of office would begin January 1, 1944. Upon such a state of facts, it is my opinion that the present officers in any such towns who will hold over until their successors are elected and qualified, are entitled to receive the compensation provided for by the ordinance passed previous to the election, for the term beginning January 1, 1944. This is not an increase in the salary of an officer during the term for which he was elected within the meaning and purview of Section 2 of Article 15, as amended November 2, 1926.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:
Interpretation of Chapter 112 and Chapter 263 of the Acts of 1943, with respect to minimum teacher salary.

December 15, 1943.

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

Dear Dr. Malan:

Your letter of December 7, 1943, received as follows:

"Will you kindly give me an official opinion relative to the following questions:"
“Section 1, Chapter 112, Acts of 1943 must be considered in order to administer Chapter 263, Acts of 1943 in determining the average minimum salary for teachers of a school corporation.

“1. If a teacher has 144 weeks of professional training, may a Bachelor's degree also be required for determining the minimum salary of such teacher?

“2. If a teacher has 180 weeks of professional training, may a Master's degree also be required for determining the minimum salary of such teacher?”

Section 1, Chapter 112, Acts of 1943, being Sec. 28-4319, Burns' 1943 Supplement, is in part as follows:

“The minimum compensation of beginning teachers with seventy-two (72) weeks or less of professional training shall be one hundred twenty-five dollars ($125) per month for a minimum term of eight (8) months. The sum of two dollars and fifty cents ($2.50) per month shall be added for each year of teaching experience up to and including the eighth additional year and the sum of two dollars and fifty cents ($2.50) per month shall be added for each eighteen (18) weeks of additional professional training until such teacher shall have earned one hundred twenty-six (126) weeks of professional training. The minimum compensation of all beginning teachers who have completed one hundred forty-four (144) or more weeks of professional training shall be one hundred fifty dollars ($150) per month for a minimum term of eight (8) months. The sum of two dollars and fifty cents ($2.50) per month shall be added for each year of teaching experience up to and including the tenth additional year. The minimum compensation of all teachers who have completed one hundred eighty (180) or more weeks of professional training up to and including the tenth year of teaching experience shall be the same as that provided for teachers with one hundred forty-four (144) or more weeks of professional training and the sum of two dollars and fifty cents ($2.50) per month
shall be added for the tenth year of teaching experience and each second year thereafter up to and including the eighteenth year of teaching experience.

"The term 'professional training' as used in this act shall be defined and limited by the state superintendent of public instruction and, in case of any doubt as to whether a particular course is or is not professional, his decision shall be final."

In my opinion the one hundred forty-four weeks or one hundred eighty weeks of professional training set forth in the above statute is the only basis for determining a teacher’s right to the minimum salary set forth in said statute. Said statute does not impose any additional obligation, such as the requirement of a degree, before a teacher is entitled to such benefit, and, therefore, no such degree is required.

While the State Superintendent of Public Instruction is authorized to define and limit the term "professional training" by the above statute, this means he has the authority to promulgate reasonable rules and regulations as to what courses or studies the teacher is required to pursue in obtaining such "professional training."

In the case of Department of Insurance v. Church Members Relief Assn. (1939), 217 Ind. 58, where the court was required to determine the authority of the commissioner of insurance to approve certain forms of insurance policies, and in which case such authority was denied, the court on page 60 of the opinion said:

"* * * When the right to do a thing depends upon legislative authority, and the Legislature has failed to authorize it, or has forbidden it, no amount of acquiescence, or consent, or approval of the doing of it by a ministerial officer, can create a right to do the thing which is unauthorized or forbidden. The administrative officers of the state, as well as the appellee, were bound by the statute. * * *"

It is, therefore, my opinion that the state officers have only such powers as are given them under the statute.

In the case of Wallace v. Dohner (1929), 89 Ind. App. 416, the court in deciding that the rule adopted by the Conserva-
tion Department of the State, under the statute to prevent the further infection of corn by the European corn borer, was a reasonable rule, said on page 420 of the opinion:

"Courts have uniformly held, and the law is well settled, that valid rules and regulations, when adopted by an administrative body in accordance with the provisions of the act by which the administrative body was created, are, in effect, a part of the statute. Chicago, etc., R. Co. v. People (1907), 136 Ill. App. 2. However, a rule, to be valid, must be reasonable and within the authority delegated by the statute."

Also see: Blue v. Beach (1900), 155 Ind. 121, 130.

It is, therefore, my opinion that the State Superintendent of Public Instruction may adopt reasonable rules and regulations defining "professional training" by setting forth the required course of studies necessary to be taken by such teacher for her to qualify under the Act. However, when such teacher has taken such required course for the number of weeks set forth in the statute, she is entitled to the benefits therein granted without the necessity of having a degree. The required number of weeks may entitle the teacher to a degree, or it may not, but we are not entitled to take judicial knowledge of the requirements for degrees of the various colleges.

It is, therefore, my opinion that each of your questions should be answered in the negative.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:
Rights in Indiana Teachers' Retirement of beneficiaries of deceased teacher;

December 17, 1943.

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

Dear Dr. Malan:

Your letter of November 23, 1943, received as follows: