PUBLIC INSTRUCTION, DEPT. OF: Classes of instructors required to be certified pursuant to chapter 96 of Acts of 1933; whether superintendents are included.

June 2, 1933.

Hon. George C. Cole,
State Superintendent of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion concerning chapter 96 of the Acts of 1933. The specific question submitted is as follows:

"Should superintendents, supervisors and principals, who are engaged in active administration and conduct of instruction in accordance with the standards of commissioned schools, be included in the list of persons certified to as instructors by the state superintendent to the auditor of state?"

Section 2 of said chapter 96 defines the term "persons engaged in the work of instruction" and the term "instructor" as follows, viz.:

"The term 'persons engaged in the work of instruction' and the term 'instructor' shall include only those persons who are actually engaged in the conduct of regular classes of instruction in the schools."


Your question does not make it entirely clear as to whether the superintendents, supervisors and principals referred to therein, are actually engaged in the conduct of regular classes of instruction. If they are so engaged, then the fact that they have certain administrative duties to perform would not take them out of the class of persons employed in the work of instruction for the purpose of determining the "number of persons" which "shall be certified by the state superintendent of public instruction to the auditor of state."

Assuming that in addition to the administrative duties of the persons referred to in your question, such persons also are actually engaged in teaching regular classes, in my opinion, your question should be answered in the affirmative. If, how-
ever, such persons have only administrative duties to perform and the teaching function is only incidental and more or less irregular, in my opinion, your question should be answered in the negative.

PUBLIC INSTRUCTION, DEPT. OF: School funds—whether collections from state common school levy of 1932 must be paid in to state treasury.

June 2, 1933.

Hon. George C. Cole,
State Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter as follows:

"In the light of the general statutory provisions for making tax levies for specific purposes and in the light of the language of chapter 167 of section 1 of the Acts of 1933, I wish to secure your official opinion as to an interpretation of the following question:

"‘Shall all the funds derived from the seven cent levy and the fifty cent poll tax, as levied in the year 1932, to be collected in 1933, be paid into the state treasury to be used as a common school relief fund or shall the provision of the 1931 school relief law determine the distribution?’"

Section 1 of chapter 167 of the Acts of 1933 provides that:

"There shall be, in the year 1933, and annually thereafter, assessed and collected, as state and county revenues are collected, seven cents on each one hundred dollars worth of taxable property, real or personal, in this state, and in addition thereto a poll tax of fifty cents upon each taxable poll in the state, which money, when collected, shall be paid into the state treasury for a common school relief fund and shall be apportioned to the several school taxing units in the state in the manner hereinafter provided in this act."