BOYS' SCHOOL: Minimum salary to be paid teachers of Indiana Boys' School under statute.

June 24, 1933.

Hon. E. M. Dill, Superintendent,
Indiana Boys' School,
Plainfield, Indiana.

Dear Sir:

I have before me your request for an opinion upon the minimum salary to be paid the teachers of the Indiana Boys' School at Plainfield under the statutes. The facts stipulated in your question include an averment that all of the teachers at the school are of more than six years' teaching experience.

The Indiana Teachers' Minimum Wage Law, section 6972, Burns Annotated Indiana Statutes, 1926 Revision, provides:

“For teachers having had a successful experience of five or more school years of not less than six months each, the daily wages shall be not less than an amount determined by multiplying six cents by the general average given such teacher on his highest grade of license at the time of contracting. All teachers now exempt from examination shall be paid, as daily wages for teaching in the public schools, not less than an amount determined by multiplying six and one-half cents by the general average scholarship and success given such teacher.”

This act is entitled “An act to classify and regulate the minimum wages of teachers in the public schools.” (Our italics.)

The question then is: Is the Indiana Boys’ School a “public school” within the purview of this law? This must be answered in the negative.

People v. Hendrickson, 104 N. Y. S. 122, 109 N. Y. S. 403, 90 N. E. 1163;
Lawrence Bd. of Education v. Dick, 70 Kan. 434, 78 Pac. 812;
State v. Preston, 79 Wash. 286, 140 Pac. 350.

Since the above act applies only to teachers in “public schools” it cannot be said to apply to the teachers in your institution.

While there is a change here in the entitling terminology, we are of the opinion that it does not affect the status of the teachers in your institution, for the reason that the terms "public school" and "common school" are interchangeable and synonymous,

State v. O'Dell, 187 Ind. 84, 118 N. E. 529;
Lawrence Board of Education v. Dick, 70 Kan. 434, 78 Pac. 812;
Jenkins v. Andoner, 103 Mass. 94;
Roach v. St. Louis Public Schools, 77 Mo. 484;
State v. Dawson County, 87 Mont. 122, 286 Pac. 125,

and denote a school which is, broadly speaking, open and public to all in the locality, which is subject to and under the control of the qualified voters of the school district in which it is situate, and which is supported and maintained primarily from moneys raised by general taxation.

ACCOUNTS, BOARD OF: Construction of term "newspaper" as used in section 4 of chapter 96 of Acts of 1927.

June 26, 1933.

Hon. William P. Cosgrove,
State Examiner,
State Board of Accounts,
State Capitol Building,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of date June 20, 1933, requesting an official opinion relative to the construction to be placed upon that part of section 4 of chapter 96 of the Acts of the Indiana General Assembly, for the year 1927, reading as follows:

"The term 'newspaper' as used in this act shall be construed to mean a weekly, semi-weekly, tri-weekly or