of chapter 96 of the Acts of 1933, in the absence of a rule or regulation to that effect duly adopted by the board of education. However, I believe the board has ample authority to adopt such a regulation, and that the same would be in complete harmony with the spirit and intent of the act and would tend to effectuate the object had in mind by the legislature.

Your second question is answered in the negative.

PUBLIC INSTRUCTION, DEPT. OF: Effect of abandonment and subsequent reinstatement of subjects which tenure teacher is licensed to teach, on tenure status.

October 4, 1933.

Hon. Grover Van Duyn,
Assistant Superintendent,
Administration Division,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of September 29, 1933, in which you submit the following question:

“In case the subjects for which a given tenure teacher is licensed are abolished in the school corporation for the year 1933-1934, will the teacher automatically regain her tenure upon the reinstatement of the subjects into the school curriculum?”

The tenure law provides that:

“Upon the expiration of any contract between such school corporation and a permanent teacher, such contract shall be deemed to continue in effect for an indefinite period and shall be known as an indefinite contract. Such an indefinite contract shall remain in force unless succeeded by a new contract signed by both parties or unless it shall be cancelled as provided in section 2 of this act: * * *.” (Section 1, chapter 97, Acts 1927; amended, section 1, chapter 116, Acts 1933. My italics.)

Unless the indefinite contract of the teacher, in a case such as you present, has been cancelled by the school corporation on account of justifiable decrease in the number of teaching
positions or for other good and just cause as provided by section 2 of the act, the teacher would retain his or her tenure status regardless of the abandonment of the subjects he or she was licensed to teach. Cancellation in the manner prescribed in the act, is the only way by which the school corporation can, by its own initiative, terminate the tenure status. It is possible for the teacher to lose his or her tenure rights by a valid contract which waives such rights, by death, by cancellation as provided by section 4 of the act, or by voluntary retirement, change of schools, or other act which would constitute an abandonment of the contract. I am assuming that none of these things have taken place.

In answer to your question, it is my opinion that upon restoration of the subjects which the teacher is licensed to teach, he or she does not "regain" his or her tenure. Rather, in the absence of cancellation or abandonment such as mentioned above, the tenure rights have never been lost by such teacher, and of course, the right to employment would still remain.

TEACHERS' RETIREMENT FUND BOARD: Construction of chapter 240 of Acts of 1933, authorizing the pledging of "frozen" public deposits.

October 6, 1933.

Hon. Robert B. Hougham,
Executive Secretary,
State Teachers Retirement Fund,
Indianapolis, Indiana.

Dear Sir:
I have before me your letter as follows:

"On the application of Adams township, Warren County, for a temporary loan from the teachers' retirement fund secured by restricted funds and tax anticipation of that township, the question has arisen as to whether or not the tax limitation provided by chapter 237 of the Acts of 1933, applies to the levies made for the repayment of loans on money borrowed under the provisions of chapter 240, Acts of 1933, and whether the so-called 'dollar and dollar and one-half law' would apply to loans made under the provisions of chapter 240, Acts of 1933."