out. *Residence in this connection, does not refer to legal
domicile or legal settlement as quite commonly used in con-
nection with matters of residence, but as used in this por-
tion of The Welfare Act, refers to physical home or presence
of the child.* I think this is made certain, if there could be
any doubt of it, by Section 82 of The Welfare Act which is as
follows:

"Compliance with other laws. When the investiga-
tion discloses that a child in whose behalf an applica-
tion for assistance has been made is a dependent child,
as defined in this Act, and that such child is living or
will live with one or more of the relatives prescribed in
sub-section (1) of Section 1 of this Act, assistance may
be allowed for the support of such child without com-
plying with any law of this state other than the pro-
visions of this Act."

In other words, the place where the child is *living* is the
determining factor.

---

**PUBLIC INSTRUCTION, OFFICE OF SUPT. OF:** Elementary
school teachers’ licenses—Power of Department of
Education to require four years of college training as
prerequisite to issuance of.

August 13, 1936.

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

Dear Sir:

I have at hand your communication of August 1st, submit-
ting the following question:

"Does the statute authorize the State Board of Edu-
cation to pass a regulation and establish a curriculum
requiring four years’ college training as a prerequisite
for an elementary teacher’s license?"

The licensing of public school teachers is governed by the
provisions of Chapter 11, Acts of 1923. Section 4 of said Act
reads as follows:
"ADMINISTRATIVE RULES AND REGULATIONS.—All details not provided for in this Act connected with the licensing of regular public school employees (the requirements as to academic and professional preparation for each kind and grade of license issued, the conversion of one kind of license into another kind, the issuing of permits to teach a high school branch related to branches for which the teacher holds a license, the accrediting of teacher-training institutions, the issuing of licenses on credentials, the exchange and renewal of licenses, the indorsement of licenses of other states, the acceptance of credentials from institutions of other states, the kind and grade of license required for given positions, the size of elementary school requiring a principal with a principal’s license, etc.) shall be determined, on the recommendation of the state superintendent, by the state board of education. (Acts 1923, Ch. 11, Section 4, p. 36.)"

The following provision, likewise, is contained in Section 5 of the Act:

"TEACHER TRAINING—ACREDITED SCHOOLS.—To encourage the professional training of teachers, and to facilitate the licensing of them, the state board of education is authorized and directed to arrange for a regular system of professional instruction throughout the state; to accredit such schools and professional departments of schools for the training of teachers as comply with the rules and regulations of the board and to inspect the same; to recommend and approve courses of study for the training of particular kinds of teachers in such accredited schools and accredited departments of schools; and to specify the kinds and grades of licenses that will be granted to graduates of given approved courses.” (My italics.)

Some difficulty may arise from the fact that the authority of the state board of education would seem to be limited to “details not provided for” in the Act itself. A careful examination of other Sections of the Act will disclose, however, that nowhere in the Act are the qualifications for teach-
ers' licenses definitely fixed, although certain minimum requirements are prescribed. For example, Section 7 of the Act forbids the issuance of an elementary school teacher's license to any person not a graduate of a four-year course in a commissioned high school or the equivalent, and who has not had in addition at least one year (thirty-six weeks) of approved professional preparation related to teaching in the elementary school. Likewise, Section 9 of the Act sets out the duration and scope of authority of the various classes or kinds of elementary school teachers' licenses, and provides certain prerequisites for the issuance thereof. It is obvious, however, in connection with this latter Section, that the qualifications therein contained are enumerated as minimum requirements only, and are not intended to preclude the adoption of additional or higher qualifications by the proper officials vested with this authority. This conclusion is supported by the language of the opening clause of Section 9, which provides that: "The licenses hereafter to be issued shall include at least the following: * * *". (My italics.) It is further supported by the language used in connection with each individual class of license referred to, in which it is said that the particular class of license "may be issued to" a person having the qualifications therein enumerated. (My italics.)

In conclusion, it is my opinion that under the statute a regulation could be adopted and a curriculum established requiring four years of college training as a prerequisite to the issuance of an elementary school teacher's license, if such action were considered necessary or advisable. The authority to take such action, however, is now vested in the Department of Education, rather than in the State Board of Education in its own right, by virtue of the provisions of Chapter 4 of the Acts of the General Assembly of Indiana of 1933, and the subsequent executive order of the Governor effective April 15th, 1933.