

PUBLIC INSTRUCTION, SUPERINTENDENT OF: Exchange of superintendent's certificate issued under 1921 act as to eligibility qualification of county superintendents for superintendent's license issued under 1923 Act for licensing of teachers.

June 4, 1937.

Hon. Grover Van Duyn,
Assistant Superintendent,
Department of Education,
State House,
Indianapolis, Indiana.

Dear Mr. Van Duyn:

I have before me your letter dated June 4, in which you state there has been presented to the Department of Education a county superintendent's certificate issued April 15, 1921, in the following form:

“State of Indiana

COUNTY SUPERINDENT'S CERTIFICATE

Issued by THE STATE BOARD OF EDUCATION

To
a graduate of.....
who has furnished satisfactory evidence of having completed three years of successful teaching experience in the public schools and of having graduated from the above four-year standard.....

“This certificate qualifies the holder for the office of county superintendent of schools in the State of Indiana.

.....
President of State Board of Education

.....
Secretary of State Board of Education

Dated.....192....”

The names are deleted from the above copy, the original of which is properly filled out and signed.

You further state that the holder of this certificate requests that a superintendent's license be issued to him in exchange for the above certificate, basing the request on the Acts of 1923, page 36.

You submit the question as to whether this may be legally done. You also inquire whether the certificate may be treated as a superintendent's license for the purpose of qualifying the applicant for the office of county superintendent under existing law.

The above certificate apparently was issued to its present holder in order to make him eligible for election to the office of county superintendent under section 1 of chapter 54 of the Acts of 1921. This section provides that no person shall be eligible to hold or shall hold the office of county superintendent who has not had three years successful teaching experience in the public schools and who does not also hold at the time of election a professional or life license granted upon examination held by the State Board of Education, or a life state license granted by the State Board of Education upon four years standard college course or four years standard normal course, or a county superintendent's certificate granted without examination by the State Board of Education to the graduate of a four-year college or a four-year standard normal.

The holder of the above certificate apparently possessed the requisite teaching experience but did not have either the professional or life license granted upon examination or a life license granted upon a four-year standard college course. His eligibility, therefore, was made up by the three years teaching experience and this certificate.

It seems to me that this paper can hardly be considered as a license in the sense in which that term is used in the 1923 Act, under which the holder is making a claim for an exchange. It is not in the form of a license and is expressly stated to be a qualifying certificate authorized by the 1921 Act. This certificate, as I understand it, was granted and was authorized to be granted in cases where the type of license required as a qualification did not exist.

In my opinion you would not be authorized to grant the holder of this certificate a superintendent's license under the 1923 Act (see Section 13, Acts of 1923, page 47) in exchange for this certificate. I think that the exchanges referred to in section 13 are exchanges of existing licenses and do not include a certificate such as is described in your letter.

Upon the same basis the holder of this certificate would not be qualified to serve as county superintendent. Under

existing law one of the eligibility requisites of a county superintendent is that he hold at the time of his election a first or second grade superintendent's license. This certificate is not such an instrument.

HEALTH, STATE BOARD OF: Schoolhouses, quantity of fresh air required in ventilation.

June 4, 1937.

Hon. Verne K. Harvey, M. D.,
 Director Indiana State Board of Health,
 State House Annex,
 Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion, which request is as follows:

“Section 28-2901, Burns Indiana Statutes, Annotated, 1933, reads in part as follows:

“‘Rules Regulating the Location and Construction.— After the going into effect of this Act, all schoolhouses which shall be constructed or remodeled shall be constructed in accordance and conform to the following sanitary principles, to wit: * * * (f) Heating and ventilation. All schoolhouses hereafter constructed or remodeled, shall be supplied with heating and ventilating systems. Fresh air shall be taken from outside the building and properly diffused without drafts, through each schoolroom during school session. * * *’

“A question has arisen regarding the interpretation of the following sentence, to wit:

“‘Fresh air shall be taken from outside the building and properly diffused without drafts, through each schoolroom during school session.’

“Does this mean that all fresh air shall be taken from the outside or is it possible that the emphasis in the rule is placed on ‘fresh air’ rather than emphasis being placed on the location from which that air comes? What is your interpretation of this sentence when studied in the light of first, the exact language of the statute, and second, in the light of the intent of the legislature in passing this law? Immediate consideration of this question will be appreciated.”