

Certificates, None for Stenography and Typewriting. Public Schools, Stenography and Typewriting In. Stenography and Typewriting in Public Schools.

An Instructor in Stenography and Typewriting in public schools is not required to have a certificate of his qualifications, which are passed on by the School Board.

Helena, Montana, June 10, 1907.

Hon. W. E. Harmon,
State Supt. of Public Instruction,
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of the 8th inst., submitting for the consideration of this office the following question:

“Is it necessary for any instructor of stenography and typewriting to hold any county or state school certificate, in order to be legally employed by any board of school trustees, and to teach legally the subjects of stenography and typewriting?”

Section 1911 of the Political Code, as amended by the Laws of 1897 at page 146, enumerates the branches in which an applicant for a regular certificate must pass a satisfactory examination, but said section does not contain any mention of stenography and typewriting.

Section 1840, Political Code, as amended by Chap. LXXIX, Laws of 1903, makes provision for the granting of special certificates in certain branches therein enumerated, but no mention is there made of either stenography or typewriting. Neither stenography or typewriting appear to be mentioned in the school law at all, and no special authority is conferred upon either the State Superintendent of Public Instruction or any county superintendent to grant an examination to any applicant, in either of these branches. Furthermore, it is a known fact that there are a great many schools and systems of stenography, and if a superintendent does grant an examination, in what system of stenography must the applicant be examined, and wherein would the superintendent find authority for naming any particular school of stenography? Inasmuch as the law has not provided for any such examination, and has not authorized the granting of any certificate, either general or special, as a necessary evidence of qualification to teach either of these branches, it is quite apparent that no certificate is required.

Under the provisions of Subdivision 16 of Section 1797, Political Code, as amended by the Laws of 1897, page 129, the school board has authority to determine "what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent." If, therefore, stenography and typewriting are taught in connection with and as a part of the regular school work, the approval of the county superintendent is required. But this approval only goes to the question as to whether or not these branches may be taught. The hiring of an instructor and the passing upon his qualifications appears, under the law, to rest in the judgment of the school board. A person so employed is rather a special employee than a teacher, if we give the word "teacher" the circumscribed and technical meaning of one who holds a certificate granted by a superintendent.

Very truly yours,

ALBERT J. GALEN,

Attorney General.