

State Certificates, Life Diplomas, Power of State Board of Education to Issue. State Board of Education, Power to Issue State Certificates and Life Diplomas.

The state board of education may, under conditions fixed by it, issue life certificates and state diplomas to teachers having had ten years successful experience, they being graduates of no higher institution of learning than a high school. Such certificates should not be issued by the board in the absence of conditions fixed by said board.

Helena, Montana, June 10, 1908.

Hon. W. E. Harmon,
Superintendent of Public Instruction,
Helena, Montana.

Dear Sir:—

I have your letter of June 8th, 1908, submitting for the opinion of this office the following question:

“Can the state board of education issue without an examination a state certificate or a life diploma to a teacher who is not a graduate of an institution of more advanced standing than a high school, granting that such teacher has had ten years' successful experience as a teacher?”

Section 1516, Political Code, prescribes the powers and duties of the state board of education, and among other powers it may grant state diplomas valid for six years; and life diplomas.

Section 1517, Political Code, reads as follows:

“State diplomas shall be issued to such persons as have a good moral character and who have held for one year and still hold in full force and effect a first grade county certificate, with the addition of English literature and mental philosophy, and who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years.”

Section 1518 reads as follows:

“Life diplomas may be issued upon all the same conditions as state diplomas, except that the applicant must pass a satisfactory examination upon the rudiments of botany, geology, political economy, zoology and general history, and must furnish

satisfactory evidence of having been successfully engaged in teaching for at least ten years."

Section 1519 provides that a state or life diploma may be granted to any graduate of the State Normal School of Montana or of the State University, when such graduate furnishes satisfactory evidence of having successfully taught, after graduation, a public school in this state, for sixteen school months. The same section further provides that state or life diplomas may be granted by the state board of education to graduates of other educational institutions within and without the state upon conditions established by the state board of education.

The above are the sections of the code covering this matter, and, interpreting these sections, I advise you that ordinarily the board has no power to issue, without examination, a state certificate or life diploma, to a person graduating from no higher educational institution than a high school.

The latter part of Section 1519 reposes in the board a wide discretion in the issuance of these diplomas, and it may be the board has heretofore established conditions whereby a graduate of a high school, presenting satisfactory qualifications otherwise, and having had ten years' successful experience as a teacher, may be granted either of these diplomas. In the absence of such conditions heretofore established by the state board of education, I advise that the provisions of Sections 1517 and 1518, Political Code, fixing the qualifications of applicants, should be followed by the board.

Very truly yours,

ALBERT J. GALEN,
Attorney General.