

**Teachers' Retirement Act—High Schools—Teachers—Librarian—Schools.**

A high school librarian who renders no service as a teacher is not entitled to come under the provisions of the teachers' retirement act.

Miss May Trumper,  
State Superintendent of Public Instruction,  
Helena, Montana.

June 5, 1925.

My dear Miss Trumper:

You have submitted to this office the question whether a person acting as librarian in a large high school library is eligible to come under the teachers' retirement law. You state that she renders no teaching service whatever.

You do not state whether she holds a teacher's certificate or whether she holds her position by reason of holding a teacher's certificate.

As she renders no teaching service, it is apparent that any qualified librarian, whether she holds a teacher's certificate or not, could perform the duties required of her.

Section 1125, R. C. M. 1921, defines who are entitled to retirement as follows:

"Every public, state or county school teacher who shall have served as a legally qualified teacher in public, state or county, day or evening schools, or partly as such teacher and partly as state or county or city superintendent or supervising executive or educational administrator for at least twenty-five school years,  
\* \* \*"

This provision not only requires a teacher to be legally qualified, that is, to hold a teacher's certificate, but requires that she also be employed as a teacher or in the supervision of a school.

It is, therefore, my opinion that the duties of a high school librarian do not entitle the person holding the position to come under the provisions of the teachers' retirement act as the duties performed by her as librarian do not require a teacher's certificate and she performs no duty as teacher or as supervising executive or educational administrator.

Very truly yours,

L. A. FOOT,

Attorney General.