



The present retirement board evidently construes the language of section 1125, to-wit: "including the last ten years of actual service, unless leave of absence shall have been granted by proper school authorities," to mean consecutive service. The purpose of this language is to prevent a teacher from abandoning teaching in this state and teaching in another state without obtaining leave of absence. In other words, the language was intended to declare that a teacher of this state, who goes to another state to teach during the last ten years of teaching service, is deemed to have abandoned this state for pension purposes when he leaves the state to teach elsewhere without permission of proper school authorities, whoever they may be.

If a teacher is without a school in this state for any part of his last ten years of actual teaching service and does not go out of the state and teach elsewhere, but later resumes teaching here and completes ten years of teaching service in this state, then this last ten years of teaching service have been in the schools of this state even though there has been a break of one or two years in his teaching service.

Therefore, if Mr. Willman did not teach outside of this state during the time between June 1, 1916, and September, 1918, his pension was properly allowed and if he is not now in teaching service payments should be resumed by the present retirement board.

Very truly yours,

L. A. FOOT,

Attorney General.