

County Educational Equalization Fund except by special resolution of the County Board of Education.

High School pupil-teacher ratio, enrollment and number of teachers shall be determined by the following schedule:

Enrollment in High School (inclusive)	Maximum number of teachers in ad- dition to the superintendent
30-70	2
71-100	3
101-140	4
141-180	5

For high schools with an enrollment in excess of 180, one teacher may be employed for each 30 pupils or fraction thereof enrolled."

It will be noted that the survey made by a county board of education as directed by section 7600, General Code, is to be made on or before the first day of April of each year. From facts disclosed by this survey the county board is to determine the number of teachers necessary to maintain the schools for the ensuing school year which will begin the following July 1st. It is upon this determination as to the number of teachers that the funds are allotted to the said districts.

The actual employment of teachers in the local schools is made by the local board of education and the determination, to a great extent, of the number that will be employed is in the discretion of the local board of education. The county board of education can not definitely determine at the time of making their survey, the number of teachers that will be employed. They simply determine the number that in their judgment will be necessary, and it is upon this basis that the distribution of the fund is made.

Necessarily, the determination of the number of teachers that will be employed in the several districts of a county school district made before April 1st of any year, for the ensuing school year to begin the following July 1st, can not be made with mathematical exactness. The method devised by the county board in question, for the determination of the number of teachers upon which to base the distribution of that portion of the county education equalization fund attributable to teachers, seems not only equitable but as well guarantees uniformity and not only complies with the statute, but is in my opinion, a very practical method of fixing the number of teachers upon which to base the distribution of this fund.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3133.

APPROVAL, ARTICLES OF INCORPORATION OF THE GROWERS MUTUAL ASSOCIATION.

COLUMBUS, OHIO, April 9, 1931.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—You have submitted the proposed articles of The Growers Mutual Insurance Association for my examination and approval. I note that the same have

been revised in pursuance of the suggestions made in my Opinion No. 2859, rendered to you January 24, 1931, and I am of the opinion that the revised proposed articles now submitted conform in all respects to the Constitutions and laws of the State of Ohio and of the United States.

I am advised that articles of incorporation of an association of the same name were previously filed with you. It will, therefore, be necessary for the corporation previously organized to be dissolved or for the proper officers of said corporation to sign the formal waiver and consent to the use of the name and for said waiver and consent to be filed with you before the proposed articles of incorporation now submitted can be legally filed in your office.

I return herewith the said proposed articles of incorporation of The Growers Mutual Insurance Association.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

---

3134.

GRAND JURORS—CHALLENGE BY PROSECUTING ATTORNEY ON STATUTORY GROUNDS APPLICABLE TO PETIT JURORS, ILLEGAL—WHEN SUCH JURORS MAY BE EXCUSED FROM SERVICE.

*SYLLABUS:*

*Prosecuting attorneys may not challenge persons summoned for grand jury service on the grounds enumerated in the statutes governing the challenging of petit jurors, but they may challenge persons summoned for such service if on appearance it is manifest they have physical infirmities by reason of which they are incapable of rendering jury service.*

COLUMBUS, OHIO, April 9, 1931.

HON. C. G. L. YEARICK, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your recent communication, in which you ask my opinion as to whether persons summoned to serve on a grand jury may be legally interrogated, challenged and excused by the court for the same causes that petit jurors may be challenged and excused.

Section 13436-2, General Code, to which you refer, as enacted in the new Code of Criminal Procedure, reads:

“A grand jury shall consist of fifteen persons resident electors of the county, having the qualifications of jurors.”

Section 13436-17 of the General Code is indirectly pertinent, and reads:

“At least twelve of the grand jurors must concur in the finding of an indictment, and when so found the foreman shall endorse on such indictment the words ‘A true bill’ and subscribe his name as foreman.”

In reference to the summoning of persons to serve as grand jurors, section 11426, General Code, among other things provides:

“When by order of a court of record in any county, except a police court, or of a judge thereof in vacation, the clerk of the common pleas court is directed