

they are technical words and phrases, in which case they are to be construed according to their technical meaning. *State ex rel. v. Bish*, 12 O. N. P. (N. S.) 369.

It would seem that the term "school event" could not be held to mean anything else than some event occurring in connection with the schools or the public school system—something brought about by reason of the action of the school authorities or the school pupils, something under the patronage of the school authorities or school pupils, such, for instance, as school picnics, literary exhibitions or contests and athletic contests. That no doubt was the sense in which the term "school events" was used in the above statute.

I am therefore of the opinion, in specific answer to your question that a privately owned and registered motor propelled vehicle when used for the transportation for hire of school pupils to or from basket ball and football games and similar athletic contests conducted under the patronage of the public school pupils is not subject to supervision and regulation as a private motor carrier by the Public Utilities Commission of Ohio.

Respectfully,

JOHN W. BRICKER,
Attorney General.

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SUPERINTENDENT OF SCHOOLS—UNAUTHORIZED TO ISSUE
AGE AND SCHOOLING CERTIFICATE WHEN—SCHOOL PHYSICIAN
MUST CERTIFY AS TO PHYSICAL FITNESS OF CHILD.

SYLLABUS:

1. *A superintendent of schools is neither authorized nor permitted to issue an age and schooling certificate under the authority of Sections 7764-3 et seq. of the General Code of Ohio, unless and until he has received, examined, approved and filed the certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age.*

2. *It is not lawful for a superintendent of schools to issue an age and schooling certificate to a minor of compulsory school age upon the recommendation or certificate as to the physical fitness of the minor, other than the certificate of the school physician or physician designated by him, or the district health commissioner or a physician designated by him, as the case may be.*

COLUMBUS, OHIO, January 22, 1934.

HON. PAUL A. BADEN, *Prosecuting Attorney, Hamilton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"The Superintendent of Schools of this county has a problem

involving the interpretation of section 7766-1, section 4, reading as follows:

'A certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age.'

In the case about which the Superintendent of Schools has asked me, the District Health Commissioner has refused to give such a certificate on the ground that the child was not physically fit to be employed.

However, the child has secured from two reputable physicians in this town a certificate to the effect that he is physically fit to be employed.

The question then is, under such circumstances, must the Superintendent of Schools give this pupil a certificate? Question number two: May the Superintendent of Schools in such a circumstance, give the pupil a certificate?"

Your question relates to the right and duty of a superintendent of schools to issue what is known as an "age and schooling certificate" for minors of compulsory school age.

By the terms of Sections 7765 and 12993, General Code, the employment of minors of compulsory school age in certain occupations, is forbidden unless the minor present to the employer a proper age and schooling certificate as a condition of employment.

Section 7766, General Code, provides that an age and schooling certificate may be issued only by the superintendent of schools.

Section 7766-1, General Code, in so far as material, reads:

"The superintendent of schools shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed: * *

A certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age."

Nowhere will be found any authority extended to a superintendent of schools to issue an age and schooling certificate on the certificate of any other physician or person as to the physical fitness of the minor for employment, than the school physician or a physician designated by him, or the district health commissioner or physician designated by him as provided by the statute which is quoted above.

The statute expressly prohibits the superintendent of schools from issuing an age and schooling certificate unless he has on file the certificate of one of the physicians named in the statute. The language of the statute is clear, and is not susceptible of any other construction than its plain language imports. It is a well settled rule of law that the intention of the legislature

must be ascertained from the language used in a statute and if that language is clear and unambiguous, the court has no authority to change it or to deduce any other meaning from it than what its plain language imports. *Sipe v. State ex rel.*, 86 O. S. 80. As stated by the Supreme Court, in the case of *State ex rel. Brown*, 121 O. S., 329:

“Where the language employed by the legislature is clear and unambiguous it is not the province of the court under the guise of construction to ignore the plain terms of the statute or to insert a provision not incorporated therein by the legislature.”

I am therefore of the opinion, in specific answer to your question, that:

(1) A superintendent of schools is neither authorized nor permitted to issue an age and schooling certificate under the authority of Sections 7764-3 et seq. of the General Code of Ohio unless and until he has received, examined, approved and filed the certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age.

(2) It is not lawful for a superintendent of schools to issue an age and schooling certificate to a minor of compulsory school age upon the recommendation or certificate as to the physical fitness of the minor, other than the certificate of the school physician or physician designated by him or the district health commissioner or a physician designated by him, as the case may be.

Respectfully,
JOHN W. BRICKER,
Attorney General.

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APPROVAL, CERTAIN RESERVOIR LAND LEASE TO LAND AT
BUCKEYE LAKE, FAIRFIELD COUNTY, FOR RIGHT TO OCCUPY
AND USE FOR COTTAGE SITE AND DOCKLANDING PURPOSES—
CHARLES E. JOHNSON.

COLUMBUS, OHIO, January 23, 1934.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication over the signature of the chief of the bureau of inland lakes and parks of the division of conservation in your department submitting for my examination and approval a certain reservoir land lease in triplicate executed by the conservation commissioner to one Charles E. Johnson of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of forty-eight dollars payable in semi-annual installments, there is leased and demised to the lessee above named the right to