

3932.

APPROVAL, BONDS OF LIBERTY TOWNSHIP RURAL SCHOOL DISTRICT,
TRUMBULL COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, February 9, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3933.

BOARD OF EDUCATION—DISQUALIFICATION OF BOARD MEMBERS SUC-
CEEDED BY NEW BOARD DOES NOT DISQUALIFY CLERK APPOINTED
FOR TWO-YEAR TERM BY ORIGINAL BOARD.

SYLLABUS:

In the event all the members of a board of education become disqualified for any reason to further serve as such members of the board and an entirely new board of education is appointed to succeed the board whose members so became disqualified, the clerk who had been appointed by the original board at its organization meeting in January, 1934, for a term of two years, is entitled to the position in accordance with his original appointment.

COLUMBUS, OHIO, February 11, 1935.

HON. LELSTER S. REID, *Prosecuting Attorney, Chillicothe, Ohio.*

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

"In January, 1934, the Board of Education of S. Township appointed a clerk for two years. The clerk qualified and gave bond which called for a two year term. In December, 1934, the County Board of Education created a new district and placed a large part of S. Township in the new district. It so happened that all the former members of the Board of Education of S. Township resided in the newly created district. None of them were therefore eligible to serve as board members of the remainder of S. Township, and the county board of education appointed an entirely new board for S. Township.

This new board appointed a different clerk and the clerk of the former board refuses to give the books and records up, and claims that he was appointed for two years, has given bond and qualified, and served a part of this term, and claims that the new board as a successor to the old board of S. Township is bound to retain him until the expiration of his term.

The exact question I desire to have answered is whether the clerk appointed by the old S. Township Board of Education is still the clerk of the new S. Township Board of Education?"

The situation which prompts your inquiry is somewhat unique to say the least. I know of no other instance where such a situation has arisen and therefore, no direct precedent is available. The fact that a portion of the S. Township Rural School District was transferred out of the district did not have the effect of destroying the S. district. The territory remaining after the transfer was made, is the S. township rural