

OPINION NO. 69-069**Syllabus:**

A local board of education is not required by statute to pay a teacher full increments on the salary schedule for half-time or part-time teaching.

To: David M. Griffith, Trumbull County Pros. Atty., Warren, Ohio
By: Paul W. Brown, Attorney General, June 24, 1969

I have before me your request for my opinion regarding whether a local board of education is required by statute to pay a teacher full increments on the salary schedule for half-time or part-time teaching.

Section 3317.13, Revised Code, provides in part as follows:

"* * * * * * * *"

"Each teacher employed by a board of education in a school district shall be fully credited with placement in the appropriate academic training level column in the salary schedule of the district with years of service properly credited pursuant to this section or Section 3317.14 of the Revised Code.
* * *"

It is important at the outset to determine legislative intent

in the matter. Did the General Assembly intend to extend full "tenure" credit for a half-time or part-time teacher? I think it did not.

Section 3319.09 (B), Revised Code, defines "year" as follows:

"(B) 'Year' as applied to term of service means actual service of not less than one hundred twenty days within a school year* * *."

And in providing eligibility requirements for a continuing service contract, Section 3319.11, Revised Code, provides in part that:

"Teachers eligible for continuing service status in any school district shall be those teachers qualified as to certification, who within the last five years have taught for at least three years in the district, and those teachers who, having attained continuing contract status elsewhere, have served two years in the district, but the board of education, upon the recommendation of the superintendent of schools, may at the time of employment or at any time within such two-year period, declare any of the latter teachers eligible."

Inasmuch as the statutes above merely infer full-time requirements, I direct your attention to Opinion No. 1165, Opinions of the Attorney General for 1960, branch 3, wherein my predecessor ruled on a correlative issue thusly:

"For a teacher to receive credit for one year's service as a regular public school teacher outside the district or for service as a member of the Armed Forces, pursuant to Section 3317.06, Revised Code, such service should be for a 'teaching year,' i.e., approximately nine months or for service in the Armed Services, for an 'armed services year,' i.e., twelve months."

Directly on point and conclusive of the issue at hand is a statement contained in Opinion No. 1421, Opinions of the Attorney General for 1964, wherein my predecessor stated:

"In providing the standards for continuing contract status or 'tenure' the General Assembly must have intended a year of service to mean a full year and not a partial year or a year of service on a part time basis. This is the plain and obvious meaning of the word as used in Section 3319.11, supra."

Therefore, it is my opinion and you are hereby advised that a local board of education is not required by statute to pay a teacher full increments on the salary schedule for half-time or part-time teaching.