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SCHOOLS, TEACHERS AND EDUCATION, ADDITIONAL DUTIES, POWER OF BOARD TO COMPENSATE FOR— §§3318.08, 3313.20, R.C.

SYLLABUS:

Under Sections 3319.08 and 3313.20, Revised Code, boards of education may lawfully expend public funds to pay teachers additional compensation for such assigned additional duties as coaching recognized sports and the expenditure of such funds may include the payment of compensation and expenses of teachers attending professional meetings pertaining to coaching of recognized sports.

Columbus, Ohio, January 14, 1960

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir :

I have before me your request for my opinion which request reads as follows :

“Section 3313.20 of the Revised Code authorizes the board of education of a school district to excuse any employee and may pay the compensation and expenses for days absent when such employee attends professional meetings.

“Section 3319.08 of the Revised Code directs a board of education to enter into contracts for the employment of teachers and directs them to fix their salaries and to include in their contracts duties beyond the regular duties and for such additional duties to supplement the salary of such teachers.

“Section 3313.60 provides for the prescription of a graded course of study. In most of the secondary schools throughout Ohio, certain teachers are designated as coaches of various branches of athletic activities such as football, basketball, baseball, track, swimming, etc. These activities are not specifically included within the required courses of study.

“An opinion is respectfully requested as to whether or not :—

“(a) A school board may, pursuant to the provisions of Section 3313.20 of the Revised Code, expend public funds to pay for the expenses of and the compensation of teachers who attend clinics and meetings pertaining to the profession of coaching.

“(b) Whether school boards may lawfully expend public funds to pay teachers additional sums as duties im-

posed beyond the regular duties of teaching for coaching services in various athletic sports.”

Section 3313.60, Revised Code, provides for the promulgation by boards of education of a graded course of study for all schools under their control. That section also sets forth certain basic subjects which must be included in such course of study. One such requirement is study in physical education. While it would seem apparent that athletic activities such as football, basketball, baseball, track, swimming, etc. are areas of activity falling within the general field of physical education, it must be remembered that the specific subjects set forth in paragraphs (A) through (G) of Section 3313.60, Revised Code, are minimum requirements of a graded course of study. A board of education has discretion to prescribe additional subjects of study as part of such graded course of study required by Section 3313.60, Revised Code.

It should also be noted that Section 3319.08, Revised Code, as noted in your request, authorizes boards of education to contract with teachers for their employment and may assign to such teachers appropriate additional duties. In Opinion No. 1080, Opinions of the Attorney General for 1952, page 11, it was held that a board of education may properly assign a teacher the additional duty of supervising extra curricular student activities and may compensate the teacher for such additional duty. It would appear that such supervision of extra curricular activities may include the coaching of recognized sports.

Inasmuch as Section 3313.20, Revised Code, authorizes boards of education to expend public funds to pay compensation and expenses of personnel who attend professional meetings, there can be no doubt that your question must be answered in the affirmative.

It is, therefore, my opinion and you are accordingly advised that under Sections 3319.08 and 3313.20, Revised Code, boards of education may lawfully expend public funds to pay teachers additional compensation for such assigned additional duties as coaching recognized sports and the expenditure of such funds may include the payment of compensation and expenses of teachers attending professional meetings pertaining to coaching of recognized sports.

Respectfully,
MARK McELROY
Attorney General