

496.

COUNTY BOARD OF SCHOOL EXAMINERS—PERSONS DESIGNATED AS ASSISTANT COUNTY SUPERINTENDENT UNDER SECTION 4740 G. C. OR AS PRINCIPAL UNDER SECTION 7705 G. C., ARE INELIGIBLE AS "ONE OTHER COMPETENT TEACHER."

COLUMBUS, OHIO, June 27, 1923.

SYLLABUS:

Section 7811 General Code provides that a county board of school examiners shall consist of the county superintendent of schools, one superintendent, high school principal or assistant county superintendent, and one other competent teacher.

Persons designated as assistant county superintendent under section 4740 G. C., or as principal under 7705 G. C., being thereby placed in a higher or different grade or class than a teacher, would be ineligible to appointment to the county board of examiners as "one other competent teacher."

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

DEAR SIR:—Yours of recent date received, in which you submit the following statement and inquiry:

"Section 7811 provides that a county board of school examiners shall consist of the county superintendent of schools, one superintendent, high school principal, or assistant county superintendent, and one other competent teacher.

"We are in need of your opinion on the following questions relating thereto:

"Can the 'teacher' be a superintendent of schools under section 4740?

"Can the 'teacher' be a principal under section 7705?"

Section 7811 General Code reads as follows:

"There shall be a county board of school examiners for each county, consisting of the county superintendent, one superintendent, high school principal or assistant county superintendent and one other competent teacher, the latter two members to be appointed by the county board of education. The teacher so appointed must have at least two years' experience as teacher or superintendent, and be a teacher or supervisor in the public schools of the county school district or of any exempted village school district. Should he remove from the county, during his term, his office thereby shall be vacated and his successor appointed."

This section provides that the county board of school examiners shall consist of the county superintendent, one superintendent, high school principal or assistant county superintendent and one other competent teacher, the latter two members to be appointed by the county board of education. This language constitutes a

board of examiners of three persons, the first member to be a county superintendent, the second member to be selected out of three subdivisions to be a superintendent, a high school principal or an assistant county superintendent, and the third member to be one other competent teacher. The "one other competent teacher" to qualify as an examiner must have at least two years' experience as a teacher or supervisor in the public schools of the county school district or of an exempted village school district.

Sections 4740 and 7705 G. C., to which you refer, read as follows:

Sec. 4740: "Any village or wholly centralized rural school district or union of school districts for high school purposes which maintains a first grade high school and which employs a superintendent upon the nomination of the county superintendent shall upon application to the county board of education before June first of any year be placed under the supervision of the county superintendent. Such superintendents shall be employed by the local boards of education upon the nomination of the county superintendent, but the local board of education, by a majority vote of its full membership, may employ a superintendent not so nominated. Such superintendent shall perform the duties prescribed by law for assistant county superintendents, but shall teach for such part of the day as the board of education of the district or districts may direct."

Sec. 7705: "The board of education of each village, and rural school district, shall employ the teachers of the public schools of the district, for a term not longer than three school years, to begin within four months of the date of appointment. The local board shall employ no teacher for any school unless such teacher is nominated therefor by the district superintendent of the supervision district in which such school is located except by a majority vote. In all high schools and consolidated schools one of the teachers shall be designated by the board as principal and shall be the administrative head of such school."

Under the provisions of section 4740 G. C. certain school districts mentioned therein employing a superintendent may be brought under county supervision and such superintendent thereby assumes the duties of an assistant county superintendent and would therefore come within the third subdivision of the second class shown above.

Under the provisions of section 7705 G. C. a teacher is designated as principal of a high school and would therefore come within the second subdivision of the second class shown above.

In view of these sections, 4740 and 7705 G. C., which place the persons therein mentioned in the second and third subdivisions of the second class provided in section 7811 G. C., it is believed such persons, after being designated as assistant county superintendent and principal respectively, would no longer be eligible to appointment to the county board of examiners as "one other competent teacher". In other words, such persons by virtue of their designation as assistant county superintendent and principal respectively, are thereby placed in a higher grade or class than a teacher.

Attention is also directed to the further provision of section 7811 G. C. to the effect that such "competent teacher" must be a *teacher* or *supervisor* in the public schools of the county school district or of an exempted village school district.

It is further suggested that upon careful consideration of the sections herein discussed, it is believed the legislature intended that the third member of the board of county examiners should be chosen from the ranks and have the viewpoint of such teachers.

Respectfully,

C. C. CRABBE,

Attorney General.

497.

APPROVAL, BONDS OF BEAVER VILLAGE SCHOOL DISTRICT, PIKE COUNTY, \$25,000.00, TO PURCHASE SITE, CONSTRUCT AND FURNISH FIREPROOF HIGH SCHOOL BUILDING.

COLUMBUS, OHIO, June 27, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

498.

MOTOR VEHICLES—PERSON ACTING AS CHAUFFEUR UNDER SECTION 614-97 G. C. SHALL BE REGISTERED—SECTIONS 6302 AND 6297 G. C. CONSTRUED.

COLUMBUS, OHIO, June 28, 1923.

SYLLABUS:

Before a person may act as chauffeur of a motor vehicle under House Bill 474, he shall be registered as provided under section 6302 and such registration shall be annual as required by section 6297 G. C.

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your recent communication as follows:

"Section 6296 of the General Code reads as follows:

'Applications of chauffeurs shall be made at such times and for such periods as are provided in the next two preceding sections for applications of owners.'