

OPINION NO. 76-029**Syllabus:**

1. R.C. 3313.53 provides the authority for a board of education to hire an athletic director.

2. Under R.C. 3313.53 and R.C. 3313.20, a supplemental contract is not a necessity for hiring an athletic director, and a principal or administrator may serve as athletic director because the board of education has the authority to designate a person to direct pupil activity programs under its rule-making powers.

3. Under R.C. 3319.02, a person may be hired as an athletic director and perform such duties full-time, without any additional assignments.

To: Thomas E. Ferguson, Auditor of State, Columbus, Ohio
By: William J. Brown, Attorney General, May 6, 1976

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

"Under what authority may an athletic director be hired by a board of education?

"Is the employment necessarily contingent upon a supplemental contract?

"Since authority for a supplemental contract is found only in Section 3319.08 of the Revised Code, and if your answer to question number two is yes, may an administrator or principal hired under Sections 3319.01 and 3319.02 of the Revised Code, also serve as an athletic director and under what type of contract?

"Provided the position of athletic director is authorized by statute, must he perform duties as a teacher or administrator in addition to those as athletic director, or may he perform full-time duty as an athletic director for the school district without additional assignments?"

R.C. 3313.53 states:

"The board of education of any city, exempted village, or local school district may establish and maintain in connection with the public school systems:

"(A) Manual training, industrial arts, domestic science, and commercial departments;

"(B) Agricultural, industrial, vocational, and trades schools.

"Such board may pay from the public school funds, as other school expenses are paid, the expenses of establishing and maintaining such departments and schools and of directing, supervising, and coaching the pupil-activity programs in music, language, arts, speech, government, athletics, and any others directly related to the curriculum."

This Section expressly provides that the expense of directing, supervising and coaching pupil activity in various programs, including athletics, shall be paid as other school expenses. This is the only provision made by the legislature for financial assistance for extra-curricular activities. 1963 Op. Att'y Gen. No. 157.

In answer to your first question, it is my opinion that R.C. 3313.53 provides the authority for a board of education to hire an athletic director.

Your remaining three questions are concerned with how such an athletic director may be hired. It is clear, under R.C. 3319.08, that a teacher may be hired under a supplemental contract to perform the duties of an athletic director. However, the employment of an athletic director is not necessarily contingent upon the existence of a supplemental contract. R.C. 3313.53

provides that the expense of directing pupil activity programs shall be paid as other school expenses. R.C. 3313.20 states in part:

"The board of education shall make such rules and regulations as are necessary for its government and the government of its employees, pupils of its schools, and all other persons entering upon its school grounds or premises."

This has been interpreted to mean that the board of education may authorize interscholastic sports and supervise student participation and use of school facilities and personnel. 1963 Op. Att'y Gen. No. 157.

Thus, a board of education may designate school officers, personnel, or others to direct such activities. Taken in conjunction with R.C. 3313.53, a board of education may compensate those appointed to direct these activities. A supplemental contract would not be necessary because, under its rulemaking powers, the board of education could make the direction of these activities a part of the principal's or officer's duties. As noted in 1957 Op. Att'y Gen. No. 1028, p. 465:

"The position of principal involves essentially an administrative office having certain delegated duties to perform as the board of education designates"

In specific answer to your second and third questions, the employment of an athletic director is not necessarily contingent upon a supplemental contract. Rather, under R.C. 3313.20 a board of education may designate a person to direct a pupil activity program, and may pay that person under authority of R.C. 3313.53.

Your last question is concerned with whether someone may perform full-time duty as an athletic director for the school district without additional assignments. R.C. 3313.53 provides that the expense of directing a pupil activity program in athletics shall be paid as other school expenses are paid. R.C. 3319.02 provides in part:

"The board of education of each county, city, local, or exempted village district may appoint one or more assistant superintendents and such other administrative officers as are necessary."

Under R.C. 3319.02, a board of education may hire an administrative officer to act solely as an athletic director. In response to your fourth question concerning whether a person may be hired to perform full-time duty as an athletic director for the school district without additional assignments, I have found no prohibition against such a practice and the authority to hire such person is clearly implied from the language of R.C. 3313.53 and R.C. 3319.02.

In telephone conversations your office has expressed a concern that allowing an administrative officer to serve solely as athletic director would be to allow public money to be spent on "picked groups." Your office has stated that public money

may not be expended for "picked groups" except as provided by statute. Your concern, however, as is resolved under R.C. 3313.53 which authorizes the expenditures of money to direct pupil activity programs in athletics. This would include compensation for an athletic director.

Your office has also expressed concern over whether athletic directors who are administrative officers must be certificated. R.C. 3319.22 states in part:

"Teachers' certificates of state-wide validity shall be issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, or in accordance with standards, rules, and regulations by law."

The State Board of Education is authorized by R.C. 3301.07(D) to adopt standards governing the issuance of certificates, however, the Department of Education has informed this office that there are no such promulgated requirements that an athletic director be certificated. Accordingly, your concern in this area is resolved.

In specific answer to your request it is my opinion, and you are so advised that:

1. R.C. 3313.53 provides the authority for a board of education to hire an athletic director.
2. Under R.C. 3313.53 and R.C. 3313.20, a supplemental contract is not a necessity for hiring an athletic director, and a principal or administrator may serve as athletic director because the board of education has the authority to designate a person to direct pupil activity programs under its rule-making powers.
3. Under R.C. 3319.02, a person may be hired as an athletic director and perform such duties full-time, without any additional assignments.