

**OPINION NO. 68-103****Syllabus:**

(1) A board of education is not required to give a teaching position to a teacher with a continuing contract who holds an 8-year professional agriculture certificate when vocational agriculture is removed from the school curriculum.

(2) A local board of education is not required to create an administrative position for a teacher with a continuing contract who has a 4-year executive head (local superintendent) certificate.

(3) Upon the creation of a joint vocational school district, a local member school board of the district may provide transportation for the pupils of its local district to and from the joint vocational school, providing such transportation could be made available after considerations of facilities and distance as presented in Section 3327.01, Revised Code, and the standards adopted by the State Board of Education.

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**To: William H. Weaver, Williams County Pros. Atty., Bryan, Ohio**  
**By: William B. Saxbe, Attorney General, June 21, 1968**

Your request for my opinion reads as follows:

"One of the School Boards in the Williams County System presently has a vocational agriculture instructor who holds an 8-year professional teachers certificate and a 4-year executive head certificate and holds a continuing teaching contract with said Board of Education. The School Board is contemplating dropping vocational agriculture from their curriculum for the 1968-1969 school year.

"Question 1. Assuming the vocational agriculture is discontinued by said School Board, then is the School Board of Education required to give said vocational agriculture teacher a teaching assignment in some other area, and what is the responsibility of the School Board as to dismissing a teacher (for example, in the science area) to be replaced by the vocational agriculture teacher who holds a continuing contract?

"Question 2. Is the School Board required to create an administrative position for the vocational agriculture teacher, since he holds a continuing contract?

"Question 3. At the present time a Joint Vocational School is under construction. The

voters of Williams County and three other counties have approved a tax levy for the construction of said Joint Vocational School and the operating expenses of said School. If said School Board discontinues their Vocational Agriculture course, then what is the responsibility of said School Board as to furnishing transportation to those students who would still desire to continue with their Vocational Agriculture Course at the Joint Vocational School?"

In answer to your first question, Section 3319.22 (I), Revised Code, provides that a professional teacher's certificate shall be valid for teaching the subject "as named in such certificate" - in this case, vocational agriculture. It would follow that if vocational agriculture were discontinued, the local board of education would not be required to give the teacher a new teaching assignment because his certificate is valid only to teach that subject named in his certificate.

Your second question concerns a type of teaching certificate formerly called executive head, but recently changed in name to local superintendent pursuant to Section 3319.22 (L), Revised Code. This certificate is valid for teaching the subjects named in the certificate, and for supervision and administration in the local school district. Pursuant to Section 3319.02, Revised Code, which gives the local board discretion in appointing local superintendents, the local board would not be required to give this teacher an administrative position, even if one were in existence and available.

Your final question regards a local school board's responsibility to transport pupils from its district to a joint vocational school. A joint vocational school is inherently a cooperative venture on the part of several school districts. This is illustrated by the substance of Sections 3311.16, et seq., Revised Code, particularly Section 3311.18, Revised Code, which provides in part that the respective school districts may share on a proportional basis the "administrative, clerical, and other expenses necessary to the establishment and operation of a joint vocational school district until funds are otherwise provided." This would enable the school districts to provide transportation for their pupils to the vocational school. The joint vocational school district may assume the transportation responsibility as permitted by Section 3327.01, Revised Code, which provides, in part:

"In determining the necessity for transportation, availability of facilities and distance to the school shall be considered."  
(Emphasis added)

Thus, the local board of education may transport these vocational agriculture students as permitted by Section 3327.01, supra, and the standards adopted by the State Board of Education.

Therefore, it is my opinion and you are advised that:

(1) A board of education is not required to give a teaching position to a teacher with a continuing contract who holds

an 8-year professional agriculture certificate when vocational agriculture is removed from the school curriculum.

(2) A local board of education is not required to create an administrative position for a teacher with a continuing contract who has a 4-year executive head (local superintendent) certificate.

(3) Upon the creation of a joint vocational school district, a local member school board of the district may provide transportation for the pupils of its local district to and from the joint vocational school, providing such transportation could be made available after considerations of facilities and distance as presented in Section 3327.01, Revised Code, and the standards adopted by the State Board of Education.