

3759.

TEACHERS EMPLOYED ON FULL TIME BASIS UNDER SMITH-HUGHES ACT CANNOT BE PAID FOR ATTENDANCE AT INSTITUTE WHILE SCHOOL IS IN SESSION.

SYLLABUS:

Where teachers are employed on a full time basis in a vocational school under the Smith-Hughes Act, and such school is in session throughout the year, such teachers would have no opportunity to attend an institute other than while such school is in session, and could not be paid for such attendance in addition to their regular salary.

COLUMBUS, OHIO, October 28, 1926.

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

DEAR SIR:—Acknowledgement is made of your communication in which you request my opinion upon the following:

"We are in receipt of a letter from the board of education of Pittsburg, Darke County, asking whether superintendent of village schools and teachers employed under Smith-Hughes regulations may legally be paid for attending teachers' institutes. The question arises from the fact that the superintendent and Smith-Hughes teachers are employed on the twelve months' basis."

Examination of the Federal Aid Act, commonly known as the Smith-Hughes Law, as well as sections 367-1 G. C., et seq., whereby the provisions of the Federal Aid Act are accepted, fails to reveal any provision requiring teachers employed thereunder to be employed on a full time or a twelve month basis, as indicated in your inquiry.

However, I am advised by your department that in order to better carry out the purpose of the Federal Aid Act, the State Board of Education in its administration of said Act has made such a regulation.

Section 7870 G. C. provides with reference to payment of teachers for attending County Teachers' Institutes, and reads as follows:

"When a teachers' institute has been authorized by the county board of education, the boards of education of all school districts shall pay the teachers and superintendents of their respective districts their regular salary for the week they attend the institute upon the teachers or superintendents presenting certificates of full regular daily attendance, signed by the county superintendent. If the institute is held when the public schools are not in session, such teachers or superintendents shall be paid two dollars a day for actual daily attendance as certified by the county superintendent, for not more than five days of actual attendance, to be paid as an addition to the first month's salary after the institute, by the board of education by which such teacher or superintendent is then employed. In case he or she is unemployed at the time of the institute, such salary shall be paid by the board next employing such teacher or superintendent, if the term of employment begins within three months after the institute closes."

The answer to your inquiry is found in the correct application of the above section. It is clear that teachers attending an institute while the schools are in session shall receive their regular salary for the week of such attendance. If the institute is

held while the schools are not in session, presumably during vacation, such teacher shall be paid two dollars per day for not more than five days, to be paid as an addition to the first month's salary after the institute is held.

In the case you present, the teacher is employed on a full time basis, and as the Smith-Hughes school is in session throughout the year, it would therefore seem that such teacher would have no opportunity to attend an institute other than while such school is in session, and could not be paid therefor in addition to their regular salary.

Respectfully,

C. C. CRABBE,
Attorney General.

3760.

VILLAGE SCHOOL DISTRICT—BAXTER BILL CONSTRUED.

SYLLABUS:

A village school district to which has been attached an entire school district by the county board, the attached district having complied with all the provisions of House Bill No. 527 for the funding of net deficiency, but which district has not sold or issued such notes, may not finish the legislation of such attached district and issue such notes as the obligations of the new district.

COLUMBUS, OHIO, October 28, 1926.

HON. G. C. SHEFFLER, *Prosecuting Attorney, Fremont, Ohio.*

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

"The Board of Education of a part of Madison Township, Sandusky County, Ohio, was transferred so far as the school proposition was concerned over to the Gibsonburg Village School District. This was done after a lot of preliminaries were thrashed out so that the County Board in the month of August transferred the whole of the Madison Township School Board over to the above Village District as above stated. All matters of every kind were transferred, resolutions passed, relative to the payment of debts, etc., by the County Board to the Gibsonburg Board.

The Gibsonburg Village District has run up against this proposition:

Prior to the transfer Madison Township School District had complied with practically all the requirements of House Bill 527 of the Funding of Existing Indebtedness; passed all their resolutions by the taxing authorities of said school district, and all formalities gone over regularly with the exception of the publication of the sale of notes, etc., when the transfer was made of the Madison Township territory over to the Board of Education of the Gibsonburg Village School District.

Here is the question:

1. Can the Gibsonburg Village School District finish up the legislation created by the Madison Township Board of Education relative to the sale of notes, etc.?

2. In order to do this should the Gibsonburg Village School District make this levy over the whole of the Gibsonburg Village District, or over that part of the Madison Township territory transferred where the same was created?"