

while the state treasurer as an individual, may insure himself against loss by reason of forged or raised state warrants, if he so desires, and pay the premium therefor out of his private funds, there is no statutory authority for the expenditure of public funds for such purpose.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4210.

APPROVAL, NOTES OF SPRINGFIELD RURAL SCHOOL DISTRICT,
MAHONING COUNTY, OHIO—\$5,470.00.

COLUMBUS, OHIO, March 30, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4211.

BOARD OF EDUCATION—UNAUTHORIZED TO BORROW MONEY IN ANTICIPATION OF DIVIDENDS FROM LIQUIDATED BANK—FIFTEEN MILL LIMITATION—CONTRACTS WITH TEACHERS AND BUS DRIVERS DISCUSSED—DUTY OF BOARD TO KEEP SCHOOLS OPEN.

SYLLABUS:

1. *A board of education is without power to borrow money in anticipation of dividends to be paid by a bank in process of liquidation.*

2. *Under no circumstances may taxes be levied within a taxing district at a rate outside the limitations fixed thereon by Article XII, Section 2 of the Constitution of Ohio, unless authorization is had therefor by a vote of the people, in accordance with law.*

3. *When a teacher is employed for a definite term to teach a particular school, and the school is not lawfully suspended during that term and the teacher holds himself in readiness and offers to perform his part of the contract, the board of education which employed him is liable on said contract of employment according to its terms, and the teacher may at the expiration of the term recover on the contract according to its tenor in an action at law.*

4. *When a teacher is employed for a definite term to teach a particular school and the school is lawfully suspended, either temporarily or permanently during the term of such employment, the teacher's contract is accordingly suspended or terminated, as the case may be. Board of Education vs. Waits, 119 O. S., 310.*

5. *Where drivers are employed by a board of education for a definite term to drive the transportation equipment owned by said board, and the drivers hold themselves in readiness, and offer to perform their contracts according to their terms, the board of education employing the said drivers is liable on said contracts even though during a part of the term of said contracts the schools are suspended and there are no pupils to transport.*