

2699.

SCHOOL TERRITORY—COUNTY BOARD OF EDUCATION MAKES  
TRANSFER—EQUITABLE DIVISION OF BONDED AND OTHER IN-  
DEBTEDNESS SHOULD BE MADE.

SYLLABUS:

*When transfers of school territory are made by authority of Section 4692, General Code, an equitable division of the bonded and other indebtedness of the transferred territory, should be made by the county board of education making the transfer.*

COLUMBUS, OHIO, December 19, 1930.

HON. CHAS. T. STAHL, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion with reference to the following:

“The County Board of Education of Williams County, Ohio, transferred certain territory from Stryker Centralized Schools to West Unity Centralized Schools.

The Stryker District has voted a bonded indebtedness running over a period of years. The county board of education has made out the necessary transfer papers and notified the county auditor of the same.

The question is, who makes the apportionment as to the part of the bond issue the territory transferred shall pay? See Section 4692, General Code?”

Section 4692, General Code, referred to in your letter reads in part, as follows:

“The county board of education may transfer a part or all of a school district of the county school district to an adjoining district or districts of the county school district. \* \* \*

The county board of education is authorized to make an equitable division of the school funds of the transferred territory either in the treasury or in the course of collection. And also an equitable division of the indebtedness of the transferred territory.”

By the terms of the aforesaid statute, a county board of education is authorized to make transfers of territory from one school district of the county school district to another school district of the county school district. That is, from one rural school district to another rural school district of the same county school district, or from one village school district to another village school district or from a village district to a rural district within the county school district. A county board of education is the only agency authorized to make such transfers and transfers of territory between such districts may be made upon the initiative of the county board of education unless one or the other, or all the districts involved in the transfer are rural school districts in which the schools have been centralized. In such cases transfers may only be made upon petition. See Section 4727, General Code; *County Board of Education of Paulding County vs. Board of Education of Benton Township Rural School District*, 104 O. S. 1.

Although a county board of education is not authorized to transfer territory from one school district to another, where one of the districts involved in the transfer is a rural district in which the schools have been centralized, unless a petition is filed

therefor, if a petition is so filed and a transfer made, it is made by authority of Section 4692, *supra*.

The statute is quite clear, it will be observed, that when a transfer is made by authority thereof an equitable division of the indebtedness of the transferred territory is to be made by the county board of education making the transfer. There is no authority anywhere, authorizing anyone other than a county board of education to make that division.

I assume the Stryker District and the West Unity District spoken of in your inquiry are both districts of the Williams County School District, and it therefore follows that if a transfer of territory is made from one to the other, by the board of education of the Williams County School District an equitable division of the indebtedness of the districts involved in the transfer should be made by the board of education of the Williams County School District, including bonded indebtedness as well as any other indebtedness.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2700.

SALARY—COUNTY SUPERINTENDENT OF SCHOOLS—CONTRACT ENTERED INTO FOR SPECIFIC SALARY WHICH SUM IS TO INCLUDE PERSONAL TRAVELING EXPENSES—BOARD OF EDUCATION THEREAFTER PRECLUDED FROM GRANTING FURTHER ALLOWANCE FOR TRAVELING EXPENSES.

*SYLLABUS:*

*Where a county board of education enters into a contract with a county superintendent of schools whereby it agrees to pay a definite sum for his salary, which sum shall include his personal traveling expenses, such board is precluded from granting any further allowance to said superintendent for traveling expenses.*

COLUMBUS, OHIO, December 20, 1930.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—In your recent communication you request my opinion upon the following:

“Proceeding under the provisions of Section 4744-1, General Code, a county board of education employed a county superintendent of schools for a period of two years, the contract calling for an annual salary of \$3250.00, which amount shall include all personal traveling expenses.

*Question:* Does such a contract preclude the county board of education appropriating and paying to the county superintendent one hundred and fifty dollars each year for personal traveling expenses?”

Section 4744, General Code, requires the county board of education at a regular meeting held not later than July 20th, to appoint a county superintendent for a term not longer than three years, commencing on the first day of August.