

3490.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN JEFFERSON
AND GALLIA COUNTIES.

COLUMBUS, OHIO, August 7, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3491.

SCHOOL DISTRICT—RURAL—LEGALITY OF TEACHER'S EMPLOY-
MENT FOR TERM NOT COINCIDING WITH SCHOOL YEAR.

SYLLABUS:

A teacher may lawfully be employed in a rural school district for a term which does not strictly coincide with the term of a "school year" or "school years."

COLUMBUS, OHIO, August 8, 1931.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge the receipt of the following request for my opinion, submitted over the signature of your predecessor:

"Your opinion on the following question is respectfully requested:

A teacher was elected at a regular meeting of a board of education in February, 1931, for a term of three years beginning June 1, 1931, and ending May 30, 1934.

As the statute provides that a teacher may be elected for from one to three school years and these dates do not coincide with the dates at which school years in any sense begin and end, is the election of the teacher for the above period legal?"

I am advised that the question you have submitted arose in a rural school district. The employment of teachers in a rural school district is controlled by Section 7705 of the General Code of Ohio, which reads in part as follows:

"The Board of Education of each village and rural school district shall employ the teachers of the public schools of the district, for a term not longer than three school years, to begin within four months of the date of appointment."

The source of the power, and the limitations thereon, of a board of education, is purely statutory. While, generally speaking, a board of education is charged with the duty of maintaining the public schools of the district in which it functions, that broad general power is limited in certain respects by statutes pertaining to many of the particular duties devolving upon the board. The general authority of a board of education to employ teachers is contained in Section 7691, General Code, which reads in part as follows: