

estate examiners might require that the sureties furnish a certificate of the county auditor to that effect.

If you have any further suggestions in connection with the above matter, I shall be glad to discuss the same with you.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

686.

BOARD OF EDUCATION—MAY APPOINT ITS SUPERINTENDENT OF  
SCHOOLS AS ATTENDANCE OFFICER.

*SYLLABUS:*

*A board of education of a city school district may in its discretion appoint its superintendent of schools as attendance officer if circumstances are such that it is physically possible for one person to perform the duties of both positions.*

COLUMBUS, OHIO, July 5, 1927.

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

GENTLEMEN:—I am in receipt of your request for my opinion as follows:

“May the board of education of a city school district legally employ the superintendent of their schools as attendance officer?”

City school superintendents are appointed by city boards of education by virtue of Section 7702 of the General Code. Section 7703, General Code, sets out the duties of such superintendent, which are, in a general way, the general supervision of the teachers and the pupils attending the public schools in the district. In addition to this, certain reports are required from him and if the board sees fit they may require him to attend any and all of its meetings.

The duties of an attendance officer employed by a city board of education are set out in Sections 7769, et seq., of the General Code. These duties are, in a general sense, the investigation of non-attendance of pupils and the enforcement of the laws relating to compulsory education.

An examination of the various provisions of the statutes relating to the duties of city superintendents of schools and attendance officers discloses that their duties are not in the least conflicting, nor is either one of them, as such officer, charged with the duty of keeping a check on the activities of the other, and none of these various provisions of law requires full time from the incumbent of either of the positions. In districts where the duties of these officers are such that it is physically possible for one person to perform the duties of both positions and the board of education in its discretion sees fit to appoint the same person to the two positions, I see no reason to prevent it from doing so.

You are therefore advised that a board of education of a city school district may legally employ the superintendent of its schools as attendance officer, if circumstances are such that it is physically possible for one person to perform the duties of both positions.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*