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(1) ONLY ONE STATEMENT FOR EACH PERSON UNDER TWENTY-ONE YEARS OF AGE SHOULD BE SENT TO THE CLERK OF BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE PERSON IS A SCHOOL RESIDENT AND SUCH STATEMENT SHOULD BE SENT NO LATER THAN JUNE 30TH FOR TRAINING RECEIVED DURING THE PRECEDING SCHOOL YEAR—

(2) NO AUTHORITY PERMITTING STATE AID TO A TEACHER WHO CONDUCTS CLASSES FOR MENTALLY RETARDED PERSONS THROUGH A PRIVATE ORGANIZATION—
§5717.04, R.C.

SYLLABUS:

1. Only one statement for each person under twenty-one years of age who has received training during the school year under Section 5717.04, Revised Code, should be sent to the clerk of the board of education of the school district in which the person is a school resident, and such statement should be sent not later than the thirtieth day of June for the training received during the preceding school year.

2. There is no statutory authority permitting state aid for a teacher who conducts training classes for mentally retarded persons where such classes are operated by a private organization.

Columbus, Ohio, November 11, 1961

Hon. Dennis J. Callahan, Prosecuting Attorney
Lawrence County, Ironton, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“RE: Amended Code Section 5127.04 (Amended Substitute H.B. 778 effective October 26, 1961)

“A question has been raised by the Lawrence County Welfare Department concerning the above captioned amended section of the Revised Code, pertaining to the operation of a training center for mentally deficient persons under 21 years of age. The question is concerning tuition statements that may be sent to the local boards of education wherein the students reside, when or how soon may a tuition statement be sent to such boards of edu-

cation and may this tuition be collected monthly or quarterly, or how, and if monthly collections are possible would a statement issued on November 27, 1961, be in order and proper, as same becomes effective on October 26, 1961.

“Further, the Lawrence County Council for Retarded Children, has started a training center with two classes and at present is paying two teachers a combined salary of \$7,500.00 per year. There is at present, sufficient demand for a third class to be started and the Lawrence County Council is quite interested in starting same, however, it will be extremely difficult for them to afford another teacher at a regular pay rate. The Council has the application of a qualified teacher to teach a class for the retarded children, however, this teacher is not willing to accept any salary whatsoever and the issue with which our Lawrence County Council is whether the state will allow State Aid for this teacher of said class.

“As this situation concerning retarded children is comparatively new in our county, I would appreciate your advising me as to the above questions at your earliest convenience.”

Section 5127.04, Revised Code, provides as follows:

“The county child welfare board *which during the school year* has administered and supervised, pursuant to the provisions of section 5127.01 of the Revised Code, a training center for the mentally deficient shall prepare a statement for each person under twenty-one years of age *who has received such training*, such statement to show the name of the person, the name of the resident, the name of the board providing the training, and the number of months the person received training. *Not later than the thirtieth day of June the board shall forward a certified copy of such statement to the clerk of the board of education of the school district in which the person is a school resident and shall forward a certified copy of such statement to the commissioner of mental hygiene. Within thirty days after the receipt of such statement the board of education shall pay to the county child welfare board submitting the statement an amount equal to the computed amount of tuition that would be due the school district receiving the statement if a nonresident pupil attended the schools of such district for the same period of time that the mentally deficient person attended the training center, such amount to be computed in the manner prescribed by section 3317.08 of the Revised Code.*”

(Emphasis added)

Regarding your first question, you will note that in Section 5127.04, *supra*, reference is made to “a statement for each person,” and further that “a certified copy of *such* statement” shall be forwarded “not later than

the thirtieth day of June." I must conclude, therefore, that only one statement for each person under twenty-one years of age who has received training during the school year should be sent by the county child welfare board to the clerk of the board of education of the school district in which the person is a school resident, and such statement should be sent not later than the thirtieth day of June for the training received during the preceding school year.

Regarding your second question, your attention is directed to Opinion No. 997, Opinions of the Attorney General for 1959, page 675, the syllabus of which reads as follows :

"1. A county child welfare board has the authority to operate training classes for mentally deficient children as established by the division of mental hygiene pursuant to Chapter 5127., Revised Code, regardless of whether or not such children are wards under the care and responsibility of the board.

"2. Although pursuant to Chapter 5127., and 5153., Revised Code, a county child welfare board may supervise classes for mentally deficient children, no statutory authority exists for the supervision of classes established by private agencies.

"3. Pursuant to the provisions of Sections 5127.03 and 5153.16, Revised Code, a county child welfare board may request funds to meet its share of the cost of maintaining classes for mentally deficient children.

"4. A county child welfare board is without authority to enter into a contract whereby the responsibility for the training of mentally deficient children is transferred to a private agency.

"5. A county child welfare board may not accept state funds provided under Section 5127.03, Revised Code, or other sections, for the maintenance of training classes for mentally deficient children where such classes are operated by a private agency."

I assume that the Lawrence County council for retarded children is a private organization and not a "public agency." I have been unable to find any statutory authority permitting state aid for a teacher who conducts training classes for mentally retarded persons where such classes are operated by a private organization.

It is my opinion, therefore, and you are accordingly advised :

1. Only one statement for each person under twenty-one years of age who has received training during the school year under Section 5717.04, Revised Code, should be sent to the clerk of the board of education of the

school district in which the person is a school resident, and such statement should be sent not later than the thirtieth day of June for the training received during the preceding school year.

2. There is no statutory authority permitting state aid for a teacher who conducts training classes for mentally retarded persons where such classes are operated by a private organization.

Respectfully,
MARK McELROY
Attorney General