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1. HIGH SCHOOL SUPERVISOR—NO LEGAL RESPONSIBILITY FOR STATE HIGH SCHOOL SUPERVISOR OR STATE HIGH SCHOOL BOARD TO NOTIFY BOARD OF EDUCATION OF VIOLATIONS OF STANDARDS FOR FIRST GRADE HIGH SCHOOLS.
2. HIGH SCHOOL BOARD—DUTY TO RECOMMEND REVOCATION OF HIGH SCHOOL CHARTER WHERE THERE IS A VIOLATION OF STANDARDS FOR FIRST GRADE HIGH SCHOOLS—SECTION 154-46e G. C.

**SYLLABUS :**

1. No legal responsibility rests on either the state high school supervisor or the state high school board to notify a board of education that the standards for first grade high schools are or have been violated.

2. Section 154-46e, General Code, imposes on the high school board the duty of recommending revocation of a high school charter wherein it is found that standards for first grade high schools are or have been violated.

Columbus, Ohio, September 6, 1950

Hon. G. L. Fenton, Prosecuting Attorney  
Williams County, Bryan, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion setting forth certain facts, consisting of three pages, with reference to the action of Clyde Hissong, Superintendent of Public Instruction, revoking the first grade charter of the Millcreek (Alvordton) High School. The following questions were submitted:

“1. Was there any legal responsibility to the effect that R. M. Harrison, Chairman, State High School Supervisor, or that R. M. Eyman, Chairman, State High School Board, should have notified the Millcreek Board of Education that the Millcreek (Alvordton) High School was violating standards for first grade high school as recommended by the High School Supervisors and by the members of the State High School Board?”

2. Does the State High School Board under the provisions of Section 154-46e have the legal authority to recommend to the State Superintendent of Public Instruction that the permanent charter of Millcreek (Alvordton) High School should be revoked on June 30, without having given the Millcreek Board of Education an opportunity to meet the State requirements for operating a first grade high school on a permanent basis?”

Section 4837-1 of the General Code provides in part as follows:

“A diploma must be granted by the board of education to any one completing the curriculum in any high school, *which diploma shall state the grade of the high school issuing it as certified by the superintendent of public instruction*, be signed by the president and clerk of the board of education, the superintendent of schools, and the principal of the high school and shall bear the date of its issue. \* \* \* (Emphasis added.)

Section 154-46e, General Code, provides:

“The superintendent of public instruction shall prescribe suitable forms and regulations for the reports and other proceedings required by the school laws, with such instructions for the organization and government of schools, including the classification and chartering of high schools, as he deems necessary, and transmit them to the local school officers, who shall be governed thereby in the performance of their duties. In classifying and chartering high schools, the superintendent of public instruction shall be guided by the recommendations of an advisory board of

five members, hereby created in the department of education, to be known as the high school board. The membership of such board shall include the assistant director of education and four members of the staff of the state department of education appointed to such board by the superintendent of public instruction and to serve during his pleasure. *The superintendent of public instruction shall, upon recommendation of the high school board, revoke the charter of any high school which fails to meet the standards of high schools as prescribed by the state department of education.*

In case a high school charter is revoked, the board of education maintaining such high school shall assign the pupils to an approved high school." (Emphasis added.)

Pursuant to Section 154-46e, supra, the high schools of the state were classified by the superintendent of public instruction. In Ohio High School Standards, adopted in 1947, at page 17, high schools have been classified. It is therein provided in part that :

"For the purpose of granting certificates of grade, the State Department of Education has classified schools as first, second, or third grade according to the number of years of work offered. The first grade high school offers four years; the second, three years; and the third, two years above the eighth grade level. Second and third grade high schools have rapidly decreased in number. In 1946-47, two second grade and four third grade schools were listed as approved schools."

It is further provided in Ohio High School Standards, supra, that :

"The State Department of Education in its program of visitation and appraisal, is concerned with (1) the thoroughness with which the school community has given thought to the purpose of its high school, (2) the extent to which all activities of the school contribute to the accepted objectives and (3) the plans for continuous study and discussion of its objectives and educational program." (p. 15)

It should be observed that the local school officers know, or should have known, what the regulations established by the superintendent of public instruction are, in that a copy of same is required to be on file as provided for in Section 154-46e, supra.

In view of the foregoing, it is my opinion that :

1. No legal responsibility rests on either the state high school supervisor or the state high school board to notify a board of education that the standards for first grade high schools are or have been violated.

2. Section 154-46e, General Code, imposes on the state high school board the duty of recommending revocation of a high school charter wherein it is found that standards for first grade high schools are or have been violated.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.