

1935.

## APPROVAL, NOTES OF WOODLAWN SCHOOL DISTRICT, HAMILTON COUNTY, OHIO—\$2,798.00.

COLUMBUS, OHIO, November 29, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

1936.

ASSISTANT COUNTY SUPERINTENDENT OF SCHOOLS — WHEN TERM OF OFFICE EXPIRES AFTER LIFE OF COUNTY BOARD OF EDUCATION HE MAY NOT RESIGN PRESENT TERM AND BE REEMPLOYED FOR TERM EXTENDING BEYOND LIFE OF BOARD THEN IN EXISTENCE.

## SYLLABUS:

1. A county board of education is without power to anticipate the expiration of the term of an assistant county superintendent of schools which will take place after the time when the life of the board of education has ended, and appoint or employ a successor to the said assistant county superintendent of schools.

2. In the event an assistant county superintendent of schools should resign during the term for which he is elected he is ineligible for reappointment for a term extending beyond the time of the reorganization of the county board of education following the next general election of members of such board.

COLUMBUS, OHIO, November 29, 1933.

HON. CHARLES W. LYNCH, *Prosecuting Attorney, Woodsfield, Ohio.*

DEAR SIR:—I am in receipt of your request for my opinion, which reads as follows:

“The Assistant County Superintendent of Monroe County has presented the following questions, regarding Section 4739 of the General Code of Ohio, upon which we respectfully request your opinion:

‘My term of office as Assistant County Superintendent of Schools, expires August 1, 1934. Three new board members were elected on November 7th. Two of the old members hold over for a period of two years. Could the present board give me a new contract before they go out of office in January? For how long a period could they give a new contract? Would it be necessary for me to resign my old contract before accepting another?’

If it is legal for the old board to give me a new contract, could the newly elected board refuse to make appropriation to carry out the contract of the old board?’”

The appointment of assistant county superintendent of schools is authorized by Section 4739, General Code. This statute delegates to the county board of education