

1872

SCHOOL TERM—BOARD OF EDUCATION—DAYS DISMISSED FOR TEACHERS' ATTENDANCE AT EDUCATIONAL MEETINGS—MUST BE INCLUDED WITHIN 180 DAYS SCHOOL TERM FOR WHICH AVERAGE DAILY MEMBERSHIP IS COMPUTED AND PAYMENT MADE TO SCHOOL DISTRICTS—SECTION 4848-1 G. C.

## SYLLABUS:

Days dismissed by action of the board of education for teachers' attendance at educational meetings, pursuant to Section 4838-1, General Code, must be included within the 180 days school term for which average daily membership is computed and payments made to school districts as provided for in Section 4848-1, General Code.

Columbus, Ohio, June 9, 1950

Hon. Ralph J. Bartlett, Prosecuting Attorney  
Franklin County, Columbus, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

"At the request of the Superintendent of the Franklin County Schools, we would like to have your opinion whether the State Department of Education must include within the 180 days school term for which foundation payments are made in accordance with General Code Section 4848-1, days which the Local Boards of Education have approved for teachers' attendance at educational meetings, as provided in General Code Section 4838-1."

Section 4848-1 of the General Code of Ohio provides in part that:

"\* \* \* The payments as herein provided shall be made only for a school year of not less than 160 days nor more than 180 days, inclusive of such legal school holidays established by section 4838-1 of the General Code as occurred during regular school weeks and on which days schools were not in session; inclusive of such other days, not exceeding two, approved by the superintendent of public instruction for the professional meeting of teachers when such days occurred during a regular school week and the schools were not in session; and inclusive of all days

that schools were not in session because of disease, epidemic, temporary circumstances rendering the building unfit for school use or other public calamity. \* \* \*”

It must be observed that the days for which schools may be dismissed and an average daily membership for each pupil of school age be counted for the purpose of payment by the state to the school districts, are (1) holidays as established by Section 4838-1, (2) days not exceeding two approved by the Superintendent of Public Instruction, and (3) days when a school is closed because of disease, epidemic, temporary circumstances rendering the building unfit for school use, or other public calamity. What are the holidays which may be established pursuant to Section 4838-1 of the General Code? Section 4838-1 provides that:

“Boards of education may dismiss the schools under their control on the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the eleventh day of November, the twenty-fifth day of December, and on any day set apart by proclamation of the president of the United States or governor of this state as a day of fast, thanksgiving or mourning, or on the days approved by the board of education for teachers’ attendance at an education meeting.”

The language in the aforementioned sections seems quite clear and unambiguous. In Sutherland Statutory Construction, Vol. 2, §4702, at page 335, it is said:

“\* \* \* If the language is plain, unambiguous and uncontrolled by other parts of the act or other acts upon the same subject the court cannot give it a different meaning.”

In view of the foregoing, it is my opinion that days dismissed by action of the board of education for teachers’ attendance at educational meetings, pursuant to Section 4838-1, General Code, must be included within the 180 days school term for which average daily membership is computed and payments made to school districts as provided for in Section 4848-1, General Code.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.