

**OPINION NO. 74-012****Syllabus:**

A teacher who is on a committee, or is an official, of a local teachers association, may be paid full salary and expenses for attending state, county or local teachers association meetings pursuant to R.C. 3313.20, if within the sound discretion of the board of education the meeting is determined to be a professional meeting, and if the board authorizes attendance at the meeting by resolution.

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**To: Joseph T. Ferguson, Auditor of State, Columbus, Ohio**  
**By: William J. Brown, Attorney General, February 15, 1974**

You have requested my opinion concerning the attendance of certain teachers at teacher's association meetings under R.C. 3313.20. The substance of your request is as follows:

"A teacher in a city school district is serving on a committee and another is serving as an official of a teachers representative group. They have made application to their board of education to attend several committee meetings throughout the school year in Columbus. All but one of these meetings have been scheduled to meet on school days included in the adopted calendar for teachers.

Based upon the foregoing, our question is may a teacher, who is on a committee or an official of a local teachers' association, be

paid full salary and expenses for attending state, county, or local teacher association meetings when the purpose of such meetings is directly in connection with and for the benefit of the teachers association and is such attendance in conflict with Section 3313.20, Revised Code, as it relates to attending professional meetings?

As a matter of reference, for your consideration, your attention is called to Opinion of the Attorney General No. 1421, dated September 30, 1964."

Your request inquires if attendance by the teachers at these meetings is in conflict with R.C. 3313.20. That section provides:

"The board of education shall make such rules and regulations as are necessary for its government and the government of its employees, pupils of its schools, and all other persons entering upon its school grounds or premises. \* \* \* Any employee may receive compensation and expenses for days on which he is excused by such board for the purpose of attending professional meetings, and the board may provide and pay the salary of a substitute for such days. The expenses thus incurred by an employee shall be paid by the board from the general fund of the school district or the county board fund."  
(Emphasis added.)

Teachers attending professional meetings may have their compensation and expenses paid under this section, at the board's discretion, when the board has excused the teachers for the purpose of attending a professional meeting. See Informal Opinion No. 81, Opinions of the Attorney General for 1965 at p.5. Thus, the board has discretion to excuse or not excuse employees for this purpose. Further, since the term "professional meeting" in the context of this statute, is not defined by Ohio law, a necessary implication arises that a board of education has discretion to determine what constitutes a professional meeting. See Drury, Ohio School Law, Section 6.21.

The discretion in the board of education has an even broader base than the language already mentioned. R.C. 3313.20 vests the board with authority to make such rules and regulations as it deems necessary for its government and the government of its employees. In addition, the board is charged with the management and control of public schools in its district. R.C. 3313.47. See Greco v. Roper, 145 Ohio St. 243 (1945). The court, in State ex rel. Idle v. Chamberlain, 39 Ohio Op. 2d 262, 263 (C.P. 1961) stated as follows:

"There is ample authority to the effect that in the exercise of the foregoing statutory powers [R.C. 3313.47 and 3313.20], boards of education have been granted a wide area of discretion with which courts will not interfere in the absence of a showing of abuse of discretion."

At this point it is necessary to consider what constitutes a professional meeting. In Informal Opinion No. 81, *supra*, my predecessor found, *inter alia*, that meetings dealing with the

educational program, instructional meetings, and meetings concerned with teaching or school administration are professional meetings.

In Opinion No. 1084, Opinions of the Attorney General for 1960, one of my predecessors found a coaches' meeting to be within the scope of professional meetings. The syllabus of that Opinion reads as follows:

"Under R.C. 3319.08 and 3313.20 boards of education may lawfully expend public funds to pay teachers additional compensation for such assigned additional duties as coaching of recognized sports and the expenditure of such funds may include the payment of compensation and expenses of teachers attending professional meetings pertaining to coaching of recognized sports."

The wide latitude in a board's discretion to determine the scope of professional meetings is emphasized in an instruction of the Bureau of Inspection, 1964 Syllabi 45 (see Baldwin, Ohio School Law, 8th ed. p. 564 (1973)). That instruction impliedly authorized a board of education to grant a superintendent of schools leave of absence with pay, to study education in the U.S.S.R., provided the board, by resolution, classified the trip as a professional meeting.

While the above examples include certain fact patterns which are held to be within the definition of a professional meeting, no comprehensive definition of the term is given. Therefore, it is necessary to look at the ordinary meaning of the term "professional meeting." Such a definition would be broad enough to encompass any matter relating to an employees' profession. As a result, I am lead to conclude that what constitutes a professional meeting within the ambit of R.C. 3313.20, must be determined on a case by case basis by the boards according to the needs and goals of a particular school district.

You direct my attention to Opinion No. 1421, Opinions of the Attorney General for 1964. The syllabus of that opinion reads in part:

"A teacher or employee employed full time by the terms of the contract of employment may not be excused from responsibilities of full time employment in order to devote time to a professional or teachers organization."

It is also necessary to consider Opinion No. 7462, Opinions of the Attorney General for 1956. The syllabus of that Opinion states:

"A board of education is without authority to permit a teacher, employed and paid for full time service, to devote one half of his time to the organization work of a teacher's association of which he is an officer even though the association should offer to contribute funds to employ a substitute teacher for the time when such original teacher is absent from his duties as a teacher."

Both Opinions hold that a board of education has no power to release a full time employed teacher for half of each day so that he can devote that time to duties for a teachers' organization. This is so even though the organization pays for a substitute. The present situation is not analogous to that in these two prior Opinions. As they state, there is no provision in the school law for a teacher to be released from his full time duties to perform regular staff work for an organization to which he belongs. However, R.C. 3313.20 specifically permits the release of teachers to attend "professional meetings". Further, in both of the prior Opinions, the teachers were to be released every afternoon of their work week to perform duties for the organization. This is clearly not the case in the present situation where teachers are to be released only to attend specific meetings. Therefore, while R.C. 3313.20 was inapplicable in the 1964 and 1956 Opinions it is applicable and controls this fact situation. However, I reiterate that discretion lies with the board of education to define "professional meeting" on a case-by-case basis, and to decide whether to excuse employees from their duties to attend such a meeting.

In specific answer to your question, it is my opinion and you are so advised, that a teacher who is on a committee, or is an official, of a local teachers association, may be paid full salary and expenses for attending state, county or local teachers association meetings pursuant to R.C. 3313.20, if within the sound discretion of the board of education the meeting is determined to be a professional meeting, and if the board authorizes attendance at the meeting by resolution.