

be established as a part of the county system of roads as provided for under Sections 6965, 6966, 6967 and 6968 of the General Code, which shall be known as the county highway system, and all such roads shall be maintained by the county commissioners.

(c) Township roads shall include all public highways of the state other than state or county roads as hereinbefore defined, and the trustees of each township shall maintain all such roads within their respective townships; and provided further, that the county commissioners shall have full power and authority to assist the township trustees in maintaining all such roads, but nothing herein shall prevent the township trustees from improving any road within their respective townships, except as otherwise provided in this act."

From the above section, it appears to be clear that all public highways of the state other than state or county roads are township roads. It further is clear that it is the duty of the township trustees to maintain all such roads within their respective township. Your question, of course, depends upon whether a road has been established as a state or county road and does not depend upon who owns the land on either side thereof. By the terms of the section above mentioned, the road in question will remain a township road until it has become a part of the county system or part of the state system.

Therefore, in specific answer to your question, it is my opinion that where there is a public road within a township which has not been established as a county road or a state highway, such road remains a township road. The fact that such a highway leads to a state institution and the state owns land on either side thereof for a half a mile in nowise affects its status.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1509.

DIRECTOR OF EDUCATION—POWER TO REQUIRE THAT FIRST GRADE HIGH SCHOOL HOLD NINE-MONTH SCHOOL TERMS UNDER PENALTY OF REDUCTION TO SECOND OR THIRD GRADE.

SYLLABUS:

The director of education is empowered by authority of Section 7651, General Code, to prescribe standards for first, second and third grade high schools, in addition to those prescribed by Sections 7652, 7652-1, and 7653, General Code.

COLUMBUS, OHIO, February 10, 1930.

HON. DAVID CREGER, *Prosecuting Attorney, Upper Sandusky, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

"I would like to submit for your opinion the following question:

'If a first grade high school is meeting all the requirements of Section 7653, and requires for graduation the completion of sixteen units of one

hundred and twenty, sixty minute hours, of prepared class room exercises in a subject in a period of eight months, can the director of education compel such board of education to hold school for a period of nine months, and upon failure to hold school for such period, change the grade of such high school to the second or third grade?"

Section 7651, General Code, reads as follows :

"The high schools of the state shall be classified by the director of education into high schools of the first, second and third grades and junior high schools upon such standards consistent with Sections 7652, 7652-1, and 7653, General Code, as he may formulate. He shall issue certificates of grade to such schools when their ratings are determined after inspection and such shall be the grades of such schools until the grade is changed or certificate revoked after a subsequent inspection or evident failure to meet standards."

Section 7652, General Code, provides, in substance, that a high school of the first grade is a school in which the courses normally require for completion four years beyond the eighth grade of the elementary schools. High schools of the second and third grade are schools in which the courses normally require three and two years respectively beyond the eighth grade. The statute also contains a definition of a junior high school, and provides that high schools of the first, second and third grade may admit to their second year students who have completed junior high school curriculums, and they shall so admit students who have satisfied such requirements in junior high schools as the director of education may prescribe for that purpose.

Section 7652-1, General Code, makes certain provisions with reference to the curriculum to be covered for every high school.

Section 7653, General Code, referred to in your letter, reads as follows :

"First, second and third grade high schools shall require respectively the completion of sixteen, twelve and eight units for graduation. A unit shall mean the equivalent of at least 120 sixty-minute hours of prepared classroom exercises in a subject."

It will be observed from the terms of Section 7651, General Code, that the director of education is empowered and directed to classify high schools upon such standards as, in his discretion, may be proper, and the only limitation imposed on that discretion is that the standards prescribed must be *consistent* with Sections 7652, 7652-1 and 7653, General Code. In other words, the director of education in prescribing his standards for first, second and third grade high schools may not lawfully prescribe standards with lesser requirements than those contained in said Sections 7652, 7652-1 and 7653, General Code. He is not limited, however, to the requirements named in those statutes, but may prescribe other requirements.

In pursuance of this authority the director of education has prescribed certain standards which must be met by high schools before they are entitled to have issued to them the certificate of grade showing their rating to be either a first, second or third grade high school.

In Chapter IX of the standards prescribed by the director of education, it is provided as follows :

"The school year of any recognized high school shall, beginning in 1929, be at least nine months. Further, this shall include at least 176 days of actual school time, not over 4 of which shall be expended on organizing at the opening, conducting examinations, etc. In some schools nearly two weeks of the school year is spent in holding examinations and allowing time for the teachers to mark the papers and prepare their reports. This the department deems poor administration. It should not be the plan even in schools with 9½ or 10 months of school, and is not allowable at all in the 9 months minimum term."

It will be observed that the rule above stated applied to all high schools whether of the first, second or third grade. However, because of the impracticability of enforcing the rule at the present time in some places, the director is not enforcing it in full at this time with reference to second and third grade high schools, but is insisting on its full application before a certificate will be granted to a first grade high school, as such.

From the terms of Section 7651, *supra*, it seems clear that the Legislature has extended to the director of education the authority to prescribe standards for high schools such as that contained in the rule above quoted, and, although a school may require for graduation the completion of 16 units of 120 sixty-minute hours of prepared class room exercises in conformity with Section 7653, General Code, it is not necessarily entitled to be classed as a first grade high school unless it conforms to the other requirements in accordance with the standards prescribed by the director of education.

I am therefore of the opinion that the director of education is empowered to require a high school to conduct its sessions over a school year of nine months to entitle it to the rating of a first grade high school.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1510.

APPROVAL, ABSTRACT OF TITLE TO LAND OF NAAMAN R. CANADAY, JR., IN CITY OF GALLIPOLIS, GALLIA COUNTY.

COLUMBUS, OHIO, February 10, 1930.

HON. HAL H. GRISWOLD, *Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a corrected abstract of title, warranty deed, encumbrance estimate No. 5360 and other files relating to the proposed purchase by the State of Ohio of a certain tract of one acre of land which is owned of record by one Naaman R. Canaday, Jr., and which is more particularly described as follows:

"Situate in the State of Ohio, county of Gallia and in the city of Gallipolis, township of Gallipolis, and being one acre of land more or less lying and being on the north and west side of the right-of-way of The Hocking Valley Railway Company and all the land owned by said grantors lying north and west of said right of way as the same runs through the following described premises, to-wit: Beginning three chains and twenty-