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BOARD OF EDUCATION—OBTAINING FOR ITS PUPILS FREE INSTRUCTION FROM OHIO STATE UNIVERSITY STUDENTS—RIGHT TO PAY SUBSTITUTES FOR SUCH STUDENTS.

COLUMBUS, OHIO, May 7, 1929.

*SYLLABUS:*

*Where a teacher is furnished to a board of education to teach vocational agriculture, which is a part of the high school course, by the Ohio State University, free of charge, under arrangement whereby certain advantages are given to the university by reason of favorable conditions and equipment being furnished by the board for the conducting of practice teaching for university students, and such a teacher is discontinued by the said university for a part of the school year, under such circumstances, the board of education may legally employ and pay a teacher to teach such course.*

COLUMBUS, OHIO, May 7, 1929.

HON. GEORGE W. RIGHTMIRE, *President The Ohio State University, Columbus, Ohio.*

DEAR SIR:—In your recent communication you request my opinion upon a statement of facts contained in a copy of a letter which you enclose. Said statement of facts is as follows:

“Members of the teaching staff at the Ohio State University are now employed on the year basis with the understanding that services in teaching are to be given through three quarters of the year and that the fourth quarter may be used for professional improvement provided arrangements are made in the budget for the employment of a staff adequate to offer the courses scheduled for the department. This practice has been in operation since we went on the quarter basis some years ago.

In my department, in Agricultural Education, five members are employed as critic teachers and are assigned to five high schools in outlying villages such as Hilliards, Grove City, and so forth, where arrangements have been made with the local boards of education for these men to teach the courses in vocational agriculture in their respective high schools without cost to the local boards for salary, but where in turn the local boards provide exemplary conditions for instruction in the way of rooms, equipment, apparatus and other facilities and permit the use of the high school classes for practice teaching by our college students in agriculture who are assigned to these respective departments where they observe good instruction by the critic teacher for a time and then carry on supervised teaching under the training teacher as preparation for their own vocation as high school teachers of agriculture.

As these teachers are on the university payroll they, of course, could be granted the same consideration involving a leave of absence for one quarter each year as is common among the resident university teachers. Heretofore, however, their absences have been limited for the most part to the pursuing of courses in the university during the Summer Quarter so that no interference with class instruction in the high school was experienced. The loss due to their absence was in the direction of their summer program of agricultural instruction dealing with the farm boys at their homes and with the adult farmers to whom they offered instruction and with whom they worked for the improvement of farm practices.

At present we have the situation wherein one of these instructors wishes

to pursue a major in his graduate work which will necessitate his being absent from the training school at Hilliards during one quarter of the college year other than the summer quarter. As the high school will be in session it is necessary that a substitute teacher shall be provided. The funds in our own budget will not permit the employment of a substitute teacher from the university funds as is common in the usual arrangements for leaves of absence among the university teachers.

The question that is raised is this: Will it be legal for the Hilliards Board of Education, if they should so desire, to hire and pay a substitute for the training teacher in their high school during his absence for a portion of the year?"

From the statement of facts it appears that the teacher about whom inquiry is made teaches the course in vocational agriculture in the respective high school to which he is assigned. It is assumed that such course constitutes a part of the regular high school curriculum, and it must follow, therefore, that the board of education, if it saw fit, could, in the absence of the arrangement now made with your institution, legally employ full time teachers to teach such courses. Under the present arrangement it appears such board of education is obtaining such teaching without paying a salary for the same.

It would seem, therefore, that there is nothing to prevent a board of education from employing a teacher under the circumstances which you describe. In other words, an employment such as you mention would in effect be no different than the employment of a teacher to fill any other vacancy that might occur during the school year.

It is my opinion, therefore, that where a teacher is furnished to a board of education to teach vocational agriculture, which is a part of the high school course, by the Ohio State University, free of charge, under an arrangement whereby certain advantages are given to the university by reason of favorable conditions and equipment being furnished by the board for the conducting of practice teaching for university students, and such a teacher is discontinued by the said university for a part of the school year, under such circumstances the board of education may legally employ and pay a teacher to teach such course.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

380.

LIEN—SPECIAL ASSESSMENTS—NOT CANCELED AS TO PAYMENT  
DUE AFTER SALE OF REALTY IN FORECLOSURE SUITS.

SYLLABUS:

*The lien for special assessments for such improvements as ditches, roads and streets is not canceled as to payment falling due after sale of real estate in delinquent tax foreclosure suits.*

COLUMBUS, OHIO, May 7, 1929.

HON. JOHN R. PIERCE, *Prosecuting Attorney, Celina, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication which reads:

"I wish to have your opinion in the following: Is the lien for special assessments for such improvements as ditches, roads, streets, etc., canceled as to