

1294.

TEACHERS' CERTIFICATES—IF ISSUED UNDER SECTION 7832-2 G. C.—
FEE SHOULD NOT BE COLLECTED.

SYLLABUS:

A teachers' certificate, issued under the provisions of section 7832-2 G. C. should be issued without the collection of the fee provided in section 7818, General Code of Ohio.

COLUMBUS, OHIO, March 21, 1924.

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

DEAR SIR:—Yours of recent date received, in which you submit the following:

"Section 7832-2, as enacted by the last legislature, provides 'The county board of school examiners shall grant elementary certificates valid for one year to graduates of first grade high schools or those with equivalent preparation as determined by the superintendent of public instruction. Such certificates may be renewed twice for one year and three times for three years.'

Section 7820 of the School Code provides 'the clerk of the board of county school examiners shall promptly collect all fees from applicants at each examination and pay them into the county treasury monthly. He shall file with the county auditor a written statement of the amount and the number of applicants, male and female, examined during the month. All money thus received, shall be set apart by the auditor to the credit of the county board of education fund.'

It is not clear whether or not county boards of examiners may collect fees from applicants meeting the requirements of section 7832-2 and to whom certificates are therefore issued without examination. Since the tendency in preparation of teachers is more and more toward normal training as a basis of certification rather than examination, it seems that, if boards of examiners are without authority to collect fees when certificates are issued under section 7832-2, the incomes of said boards will be seriously impaired; if not, in time, altogether disappear."

Section 7832-2, General Code, as amended by the eighty-fifth General Assembly, reads as follows:

"The county board of school examiners shall grant elementary certificates valid for one year to graduates of first grade high schools or those with equivalent preparation as determined by the director of education, who have completed in addition a one-year normal course approved by the director of education and have proved such standards of attainment as he may prescribe. Such certificates may be renewed for periods of one year or three years each on conditions prescribed by the director of education."

This section makes no mention of an examination or an examination fee, but fixes the mandatory duty upon a county board of school examiners to grant elementary certificates to graduates of first grade high schools.

Section 7818, General Code of Ohio, provides, with reference to an examination fee, as follows:

"As a condition of an applicant's being admitted to take the examina-

tion he shall pay to the board for the use of the county board of education fund a fee of fifty cents. Applicants taking the examination in two parts shall make on the date when each part is taken an application accompanied with a fee of fifty cents."

This section clearly contemplates the taking of an examination by the applicant and necessitates the taking of some time and energy on the part of the examiners, for which they are compensated under the provisions of section 7834. The issuance of a certificate under section 7832-2 General Code does not contemplate either an examination of the applicant or the taking of the time and energy of the members of the board of examiners and there seems to me to be no occasion for the collection of a fee.

Therefore, I am of the opinion that a teacher's certificate, issued under the provisions of section 7832-2, should be issued without the collection of the fee provided in section 7818 General Code of Ohio.

Respectfully,
C. C. CRABBE,
Attorney-General.

1295.

DISPOSITION OF REWARDS—RECEIVED BY POLICE OFFICERS—SECTION 4623 G. C. CONSTRUED.

SYLLABUS:

Under the provisions of section 4623 G. C. a reward received by a police officer should be paid to the police relief fund and such an officer may not legally retain any part thereof for his own use.

COLUMBUS, OHIO, March 21, 1924.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

DEAR SIR:—Acknowledgment is made of your recent communication requesting my opinion as follows:

"Section 4623 General Code provides that:

"All fines imposed upon members of the police department of the municipality by way of discipline or punishment by the authority having charge or control thereof, and all rewards, fees, or proceeds of gifts and emoluments allowed by the authority in charge or control of the department, paid and given for or on account of an extraordinary service of any member of the force, and moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be credited to the police relief fund."

In the city of Dayton we find that members of the police department are retaining one-half of the rewards received and one-half thereof is paid to the police relief fund as provided in the above section. These rewards are usually those offered by insurance companies and others for the recovery of stolen automobiles or the arrest and return of deserters from the army or navy of the United States and for information leading to the arrest and conviction of persons for various offenses. This distribution seems to be