

Your second question may be answered by reference to a recent opinion of this department, rendered to the Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio, under date of May 8, 1920, No. 1227, the syllabus of which is as follows:

"A city board of education may establish and maintain vocational schools to which adults may be admitted and may erect and equip suitable buildings or set apart and use buildings under the control of the board of education for such purposes in the same manner and within the same limitations as it establishes and maintains buildings for other school purposes. However said schools should not be established for the exclusive use of adult pupils, but rather for all who are eligible to attend."

As a corollary to the reasoning of the opinion above cited, it will not be disputed that a board of education may employ a teacher in such a school. Americanization work is a term of extensive and general meaning. Any work that a foreign born youth or citizen does under a teacher that renders him better able to understand American customs, history, civil government, and even the force or meaning of the language used to convey the teacher's thoughts or those of the page of the text, may be included in such a term. It is difficult to see how any vocational school teacher can teach an adult who is of foreign birth, speaking but meager English, without doing a work that is Americanizing to him. To supplement the usually meager knowledge he must have had to secure his citizenship, or to give him the necessary learning that he eventually will need to become a citizen as well as a better workman, is an incidental part of the work of vocational schools. To this degree a vocational school teacher surely does "Americanization work or otherwise," and to such extent your question concerning such work may be affirmatively answered.

A copy of the opinion referred to above is enclosed for your information.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1511.

SCHOOLS—WHERE CENTRALIZED SCHOOL DISTRICT MAINTAINS HIGH SCHOOL—BUILDING MAY BE ERECTED FOR BOTH ELEMENTARY AND HIGH SCHOOLS—MAY CONTAIN AUDITORIUM—WHEN BOARD CAN EMPLOY ARCHITECT AND STIPULATE CONDITIONS AS TO PAY.

In a centralized school district maintaining a high school, the centralized school building may be erected to house both elementary and high schools, and may contain an auditorium and other rooms for such special school activities as are allowed by law at the discretion of the board of education. If the board decides to employ an architect it may do so before erecting such building, on the condition that the architect shall receive no pay for services rendered should the vote for a bond issue fail, provided, of course, that such services are for an amount reason-

able and customary in such cases, and having in mind the limitations imposed by section 5660 G. C.

COLUMBUS, OHIO, August 23, 1920.

HON. VERNON M. RIEGEL, *Superintendent of Public Instruction, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your letter of recent date, which is as follows:

“Please render an opinion on the following questions:

(1) A rural board of education asks for an election on the question of centralization of schools, to be held on the same day as the Primary election. The proposition carries. Is the election legal?

(2) A bond issue for the purpose of raising funds to erect a school building for the centralized district above mentioned was held on the Primary election date two years later. Was the election legal?

(3) Is the term “centralized school building” confined to a building for elementary school purposes only, or may it include a high school and auditorium for community center purposes?

(4) Can a board of education employ an architect to make plans for a school building before the bonds are sold, provided that the terms of the contract are such that said architect is to receive no pay for his work if the bonds do not sell and if the contract is not let?”

Your first question is affirmatively answered in an opinion of this department found in Opinions of Attorney General, 1915, Vol. 2, page 1659. A board of education may call a special election on the question of centralization of its schools to be held on the same day on which a primary election occurs.

Your second question is discussed in an opinion of this department found in the Annual Report of the Attorney General, 1913, Vol. 1, page 472, to which your attention is called.

Broadly speaking, the policy of the law in all secular educational activities and moral uplift work is centered in and about the public schools and it also favors what is known as community center work, as is evidenced in section 7622, *et seq.*, wherein ample authority is conferred upon a board of education to provide for the use of school grounds and buildings for educational, civic, social or recreational meetings and entertainments. These sections provide for a tax levy to create a social center fund. If agencies outside of the board are thus permitted to use school property, when such use does not interfere with school activities, surely it is safe to assume that a board of education may itself provide for such activity. The intent of these laws is to encourage and further the work understood and phrased by “community center activities.”

Sections 4726 and 7625 G. C. provide for centralizing the schools and the issuing of bonds for the purchase of a site and erection of buildings to accommodate such schools when centralized. Section 7663 G. C. provides for the maintenance of high schools by a board of education. Under the broad grant of powers found in the law in section 7690 G. C. as to control and management and in section 7620 as to building, repair and purchases, there can be no doubt that a central school building may be erected to house the elementary and high schools of a rural school district and that such a building may have therein an auditorium, gymnasium, manual training and agricultural equipment or a vocational school room or rooms—in fact, any equipment for the educational training of the community that the enterprise of its citizens, acting through the board of education,

may desire and are able to tax themselves to pay for. The second part of your third question, therefore, is answered in the affirmative.

It is not required by the law that architects shall be employed or secured by a board of education through competitive bidding; but when the services of an architect are required the board of education has power to employ one. In section 7625 G. C. the board of education is required to make an estimate of the probable amount of money needed for the purpose for which such money secured by a bond issue is to be used. Such an estimate should be reasonable and in the making of the same the knowledge and advice of an architect is desirable. If an architect is willing to furnish plans and specifications in the manner indicated in your fourth question, assuming the risk that his labor may be without recompense should the voters of the district fail to authorize the issuance of bonds for the board of education to erect the buildings it has in prospect, there does not seem to be any law that requires a board to refuse such assistance. Such a contract is one whose completion and remuneration is determined by a future event, which may or may not occur to render the board liable for its fulfillment. So long as the board acts in a reasonable manner, without agreeing to make an excessive payment or more than is usual and customary in such cases, it seems that such action on its part is commendable and one that should be had in the interest of economy and fair dealing with the taxpayers before such bond issue is voted on. Of course, it must not be neglected, in conclusion, to say that section 5660 G. C. applies in answering your question to limit the action of the board of education and to increase the risk that the architect assumes in making such a tentative arrangement for a fee, contingent upon the question of the issuing of bonds to build, to be approved by the electors of the district. Should the issue fail, the services of the architect are gratuitous. In the absence of the clerk's certificate required under section 5660 G. C., showing the board's ability to pay, the agreement on the part of the board of education is invalid. With these facts in mind, no reason is seen why the board of education should not accept services offered in the manner indicated in your fourth question.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1512.

FOREIGN CORPORATIONS—FEES TO BE PAID SECRETARY OF STATE UNDER SECTIONS 180 AND 8728-11 G. C. WHERE AUTHORIZED CAPITAL STOCK COMPOSED OF PAR VALUE PREFERRED AND NON-PAR VALUE COMMON SHARES—NOT LESS THAN \$15.00 NOR MORE THAN \$50.00.

The amount of the fee to be paid to the Secretary of State under section 180 G. C. by foreign corporations subject to the provisions of section 8728-11 G. C., and having an authorized capital stock composed of par value preferred and non-par value common shares, cannot be less than \$15.00 nor more than \$50.00 in any case.

COLUMBUS, OHIO, August 24, 1920.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date relative to the construction to be placed