

**OPINION NO. 1291**

**Syllabus:**

A public school library continues in existence under the management and control of the existing board of library trustees upon the consolidation of the school district of which it is a

part with one or more school districts; provided that upon the completion of the terms of office of the existing trustees their successors shall be appointed by the board of education of the consolidated school district.

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To: William H. Conner, Hardin County Pros. Atty., Kenton, Ohio  
By: William B. Saxbe, Attorney General, August 13, 1964

Your request for my opinion reads in pertinent part as follows:

"On January 11, 1936, the Board of Education of Ada Exempted Village School District provided for the establishment in the Village of Ada of a public library for the inhabitants of the District and elected a board of library trustees, with terms of one to seven years. It has since then elected the members of the Library Board of Trustees as their respective terms have expired.

"This was done under virtue of then existing General Code Sections 7631, 7632, 7635, 7636, 7637, 7638, 7638-1, 7639, 7640, which were substantially the same as Revised Code, Sections 3375.14, -.15, -.16, -.17, -.32, -.33, -.34, -.35, -.36, -.37, -.38, -.39, -.40, -.41.

"There is presently under consideration a proposal to unite Ada Exempted Village School District with McGuffey and Alger Rural School Districts, which will take away Ada's exempted status and put it in the County system.

"The question as to what might happen to the Ada Public Library, and its status under such consolidation has been posed to this office.

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"Before proceeding, however, I request your opinion whether such consolidation would affect the present make-up of the board of trustees of the Ada Public Library or transfer that board's control of the library and its property and funds to the board of education of the new district."

In Opinion No. 119, Opinions of the Attorney General for 1959, it is stated:

"Where, pursuant to the provisions of Section 3375.14, Revised Code, a public school library has been established by the board of education of a local school district which has subsequently been transferred to and become a part of another district, such library falls under the dominion and control of the district to which the transfer has been made, and members of the board of library trustees theretofore

appointed will continue to hold their offices until the expiration of their respective terms, at which time their successors will be appointed by the board of education of the enlarged district."

This opinion, with which I concur, makes it quite clear that a public school library established in compliance with Chapter 3375, Revised Code, continues in existence upon a consolidation of school districts with one noted exception. The exception is that upon the expiration of the terms of the members of the board of library trustees, then in existence, any further appointments, to the board of library trustees, must be filled by the new controlling board of education, which will govern the districts so consolidated.

Should the board of library trustees, or the electors of that district, wish to divest themselves of control over their public school library, then proper legal steps as set forth in Sections 3375.19 through 3375.22, Revised Code, must be followed. But until a consolidation of control of local public school libraries, into a county library district, is effectuated, the smaller subdivision libraries continue their existence with full powers as provided in Chapter 3375, Revised Code. If a subdivision library comes under the jurisdiction of a county library district, then provisions are made for the transfer of all property to the board of trustees of the county library district.

Therefore, it is my opinion and you are advised that a public school library continues in existence under the management and control of the existing board of library trustees upon the consolidation of the school district of which it is a part with one or more school districts; provided that upon the completion of the terms of office of the existing trustees their successors shall be appointed by the board of education of the consolidated school district.