

the Home Owners' Loan Act of 1933 and amendments thereto, I feel that such resolution should be restricted to that purpose and should not contain other provisions. I note that there are several other provisions contained in the resolution which are not in contemplation of the section of the General Code above referred to. These matters may properly be the subject of action by the board of directors, but I do not believe they should be made a part of the resolution to convert.

Your attention is also called to Section 9660-2 of the General Code, sub-section 3, which is quoted above.

I find in your files a statement showing the giving of notice, verified by an affidavit of the secretary, but I find no such statement, verified by an affidavit of the president or a vice president. In this respect there has not been a compliance by The Norwood Home Savings Association with the provisions of the section of the General Code hereinabove quoted.

In all other respects the papers submitted and the record of the proceedings as disclosed by them are in conformity with the provisions of Section 9660-2, General Code of Ohio.

I am returning herewith all the papers forwarded to me by you relative to this proposed conversion.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

553.

STATE DIRECTOR OF EDUCATION—TEACHERS—DUTY TO PRESCRIBE STANDARD REQUIREMENTS—CLASSES FOR BLIND, DEAF OR CRIPPLED CHILDREN—SECTIONS 7755 ET SEQ., G. C.—BOARDS OF EDUCATION—LAWFUL EMPLOYMENT—SPECIAL CLASSES, TRAINING, EQUIPMENT.

SYLLABUS:

1. *It is the duty of the State Director of Education to prescribe standard requirements for the qualification of teachers employed by board of education in conducting classes for blind, deaf or crippled children by authority of Sections 7755 et seq., of the General Code of Ohio.*

2. *Persons who do not measure up to the qualifications prescribed by the Director of Education for teachers of classes established and maintained for the instruction of blind, deaf or crippled children may not lawfully be employed by boards of education to teach the said classes.*

3. *The requirements prescribed by the Director of Education for the qualifying of teachers to teach special classes for deaf, blind or crippled children may include such special training and equipment and knowledge of the use of special appliances used in conducting such classes as*

may, in the judgment of the Director of Education be necessary to properly qualify the teachers to teach such special classes.

COLUMBUS, OHIO, May 8, 1939

HON. E. N. DIETRICH, *Director of Education, Columbus, Ohio.*

DEAR SIR: I am in receipt of your request for my formal opinion in answer to the following question:

May the State Director of Education require additional special training of teachers employed in the public schools to teach special classes for the instruction of deaf, blind or crippled children?

Boards of education are authorized by law to establish and maintain special classes for the instruction of deaf, blind or crippled children, providing permission is granted to them by the Director of Education to do so. Section 7755, General Code, reads as follows:

“The director of education may grant permission to any local board of education to establish and maintain a class or classes for the instruction of deaf or blind persons over the age of three, or of crippled persons over the age of five.”

Sections 7755-1 to 7755-5, inclusive, of the General Code, provide for the method of attendance of pupils in classes for deaf, blind or crippled children when the same are maintained, and for the payment of tuition by one district to another when resident pupils of one district attend such classes in another district, and provide for the transportation of such children to school, or board and lodging for them near the school if transportation is not practicable.

Section 7756, General Code, provides that upon petition of the parents or guardians of eight crippled children in any school district of the age named in Section 7755, General Code, the board of education of the given district shall apply to the Director of Education for permission to establish a special class for such children, and if, under such circumstances, the local board of education fails to perform its duty with respect to the making of such an application it becomes the duty of the county board of education to make the application and, if permission is granted, to establish and maintain such classes.

Sections 7757 and 7758, General Code, provide that the current operating cost of the instruction of such blind, deaf or crippled children in special classes maintained for that purpose and the cost of special appliances for the maintenance of such classes over and above the cost of instruction of children not so handicapped as determined by consideration

of average per capita cost shall be paid by the state from funds especially appropriated for the purpose. Sections 7759 and 7761, General Code, provide as follows:

“Sec. 7759. Teachers in such schools shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training and equipment as the state superintendent of public instruction or the board of education may require. The so-called oral system shall be taught by such teachers in such schools for the deaf. If, after a fair trial of nine months, any of such children in any school for the deaf for any reason are unable to learn such method, then they may be taught the manual method in a separate school, providing, however, that there are not fewer pupils than provided in Section 7755 of the General Code.”

Sec. 7761. The director of education shall select some competent person or persons to inspect all classes established under Section 7755, General Code, at least once a year, and to report concerning the instruction in such classes, the conditions under which they are maintained and the conditions under which such persons are boarded.

The director of education shall prescribe standard requirements for day schools for the deaf, blind and crippled, and other instruction of such children entitled to state reimbursement, which requirements shall include the conditions under which such schools are conducted, the methods of instruction and supervision, the qualifications of teachers and the conditions and terms under which they are employed, the special equipment and agencies for instruction provided, and the conditions of the rooms and buildings in which the schools are held.”

It will be observed from the statutes referred to above that while local boards of education are authorized and directed to maintain special classes for children who are handicapped by defective hearing or vision or who are otherwise physically crippled, permission must first be obtained from state authority and a large measure of supervision is reposed in the State Director of Education if he authorizes the establishment and maintenance of such special classes. The law provides in turn that such classes are to a great extent subsidized by the state.

The language of Section 7759, General Code, with respect to the qualifications of teachers in classes maintained for the instruction of deaf, blind or crippled children is clear, definite and to the point, where it provides that such teachers shall not only be qualified as are teachers in the public schools but in addition thereto they must have such special

training and equipment as may be required by the Director of Education. Again, in Section 7761, General Code, the language of the statute is equally clear, to the effect that the Director of Education is charged with the duty of prescribing standard requirements for the qualification of teachers in such special classes.

The legislature in enacting the legislation providing for the establishment and maintenance of special classes for physically handicapped children no doubt realized that the instruction of such children and the use of special appliances used in conducting such schools requires an entirely different type of training and experience on the part of the teacher than would be required to qualify him to teach normal children, and provided accordingly in language so clear and unambiguous as to require no special interpretation.

I am therefore of the opinion that:

1. It is the duty of the State Director of Education to prescribe standard requirements for the qualification of teachers employed by boards of education in conducting classes for blind, deaf or crippled children by authority of Sections 7755, et seq., of the General Code of Ohio.

2. Persons who do not measure up to the qualifications prescribed by the Director of Education for teachers of classes established and maintained for the instruction of blind, deaf or crippled children may not lawfully be employed by boards of education to teach the said classes.

3. The requirements prescribed by the Director of Education for the qualifying of teachers to teach special classes for deaf, blind or crippled children may include such special training and equipment and knowledge of the use of special appliances used in conducting such classes as may, in the judgment of the Director of Education be necessary to properly qualify the teacher to teach such special classes.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

554.

VOTING BOOTHS—TITLE IN MUNICIPALITY—WHERE UNDER SECTION 4785-13, G. C., MAINTENANCE ASSUMED BY BOARD OF ELECTIONS—PROCEEDS OF SALE—CITY TREASURY, DEPOSITORY.

SYLLABUS:

Voting booths owned by a city, maintenance of which was assumed by a board of elections upon the enactment of Section 4785-13, General Code, remain the property of the city, and upon sale of said booths the proceeds thereof should be remitted to and deposited in the treasury of the city.