

The following appears in the body of the opinion with respect to these questions :

“There is no limit to the amount of money that a board of education may borrow for the payment of teachers' salaries, excepting the amount of money due and unpaid at a given time on account of such teachers' salaries. That is to say, section 5656 G. C., which furnishes the only authority for borrowing money for this purpose, does not permit such borrowing save to pay obligations unpaid at maturity.”

In order to make the situation entirely clear the following additional observation should be made—all based upon the previous opinions of this department :

By virtue of the saving clause in section 5661 of the General Code, a board of education is not precluded from entering into a contract of employment with any school employe because of the inability of the clerk of the board to certify that the money required is in the treasury or has been levied and is in process of collection. Such boards of education have general authority under statutes which need not be cited to employ teachers and fix their salaries. There is no longer any positive rule of law as to the minimum salary which may be paid to a school teacher, section 7595 of the General Code having been amended so as to strike this provision from it. However, in order to participate fully in the distribution of the state common school fund and the state levies for school purposes retained in the county, under section 7575 of the General Code the minimum annual salary paid teachers must be eight hundred dollars. The provisions of the Smith one per cent law, section 5649-3d, to the effect that all expenditures within a six months' period must be made from and within the appropriations of moneys known to be in the treasury, does not apply to borrowed money. The result is that teachers may be employed and salaries fixed. Lawful obligations are thus incurred by the district, contingent upon the rendition of services by the teachers in accordance with the terms of their several employment contracts. When these obligations accrue and are unpaid (but not before) money may be borrowed under section 5656 of the General Code for the purpose of paying them.

It will be understood that this method of financing the school district will inevitably produce chaos and should be avoided at all events. It is quite possible that the board of education in question has underrated its financial resources under House Bill 615. If this is not the case and the apprehensions of the board of education are indeed well founded, it would seem to be incumbent upon the board and the friends of the schools to make an active campaign for the approval of the additional levy.

Respectfully,

JOHN G. PRICE,

Attorney-General.

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APPROVAL, BONDS OF COSHOCTON COUNTY, OHIO, IN AMOUNT OF
\$76,000 FOR ROAD IMPROVEMENTS.

Industrial Commission of Ohio, Columbus, Ohio.

COLUMBUS, OHIO, June 5, 1920.