

4178.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS  
RESIDENT DISTRICT DEPUTY DIRECTOR—EDWARD STINGEL.

COLUMBUS, OHIO, April 24, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a bond, in the penal sum of five thousand dollars, and conditioned for the faithful performance of the duties of the principal as Resident District Deputy Director in Tuscarawas County, as follows:

Name	District	Surety
Edward Stingel	Tuscarawas	The Fidelity and Deposit Company of Maryland

This bond is evidently executed pursuant to the provisions of sections 1183 and 1182-3, General Code, which provides, so far as pertinent, as follows:

“Sec. 1183. \* \* \*

Such resident district deputy directors shall \* \* \* give bond in the sum of five thousand dollars.”

“Sec. 1182-3. \* \* \* All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions and such bonds \* \* \* shall be approved as to the sufficiency of the sureties by the director, and as to legality and form by the attorney general, and be deposited with the secretary of state.”

Finding said bond to have been properly executed in accordance with the foregoing statutory provisions, same is hereby approved and returned herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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4179.

BOARD OF EDUCATION—MEMBER THEREOF UPON RESIGNATION MAY BE EMPLOYED TO TEACH IN PUBLIC SCHOOLS UNDER JURISDICTION OF BOARD OF EDUCATION OF WHICH HE WAS A MEMBER.

*SYLLABUS:*

*A member of a board of education who resigns from such body may immediately be lawfully employed to teach in the public schools of the district under the jurisdiction of the board of education of which he had formerly been a member and may lawfully be designated as principal of schools providing he is properly certificated to teach the grades for which he is employed to teach and he is employed in the manner provided by law.*

COLUMBUS, OHIO, April 25, 1935.

HON. HOWARD S. LUTZ, *Prosecuting Attorney, Ashland, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

"I have been requested to secure your ruling on whether the Board of Education of Sullivan Township School District may legally employ Burdette Lowe as principal of the school under the following set of facts:

At a recent meeting of the board of education, on motion of another member of the board to rehire a Mr. Peters as superintendent, Burdette Lowe, then a member of the board, cast the deciding vote against rehiring Mr. Peters. He then voted in favor of hiring Mr. Pollock the then principal, as superintendent. He then, at the same meeting resigned as a member of the board of education and expressed his intention of applying for the position of principal himself.

Your opinion on this question will be sincerely appreciated."

The employment of teachers and principals of schools in rural school districts is provided for by Section 7705, General Code, which reads as follows:

"The board of education of each village and rural school district shall employ the teachers of the public schools of the district, for a term not longer than three school years, to begin within four months of the date of employment. The local board shall employ no teacher for any school unless such teacher is nominated therefor by the county or assistant county superintendent except by a majority vote of its full membership. In all high schools and consolidated schools one of the teachers shall be designated by the board as principal and shall be the administrative head of such school."

Section 7690, General Code, provides that each city, village and rural board of education shall have the control and management of the public schools in their respective districts and may elect a superintendent or principal of schools and other employes. Since the enactment of the law providing for county supervision of schools in 1914, it has been generally held that no authority exists for the employment of "superintendent of schools" in rural districts, inasmuch as the supervision of such schools is placed in the county superintendent of schools and his assistants. However, the Common Pleas Court of Stark County, in the case of *Lee vs. Brewster*, 29 O. N. P. (N. S.) 134, held that:

"Section 7690 grants authority to boards of education in rural school districts to employ a supervisor whom they may designate by the title of 'superintendent of schools' although he may not exercise the authority conferred upon superintendents of city and exempted village school districts by Section 7706, and he remains subject to the statutory control of the county superintendent of schools and his assistant. This right is limited only by the exercise of proper discretion."

In some states there are either constitutional or statutory provisions prohibiting certain officers such as members of the legislature or members of city councils, and perhaps in some cases members of boards of education, from being employed in any posi-

tion under the control of the state, municipality or school district as the case may be, for a specified period after having served in the legislature or city council or board or education. A statute in this state, Section 12912, General Code, prohibits an officer of a municipal corporation from acting as commissioner, architect, superintendent or engineer in work undertaken or prosecuted by such corporation during the term for which he was elected or appointed or for one year thereafter. There is no similar statute with respect to members of a board of education. I know of no reason why a member of a board of education may not resign and immediately thereafter be employed by the board, of which he formerly had been a member, as a teacher in the public schools under the control of the board, providing he is properly certificated and is employed in the manner provided by the statute.

I am therefore of the opinion in specific answer to your question that, in the event the board member in question resigns, he may lawfully be employed to teach in the public schools of the district and may be designated as principal in the manner provided for by Section 7705, General Code, providing he holds a proper certificate to teach in the grades for which he is employed.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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4180.

APPROVAL, BONDS OF STRATTON VILLAGE SCHOOL DISTRICT, JEFFERSON COUNTY, OHIO, \$3160.00.

COLUMBUS, OHIO, April 25, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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4181.

APPROVAL, BONDS OF TRIMBLE TOWNSHIP RURAL SCHOOL DISTRICT, ATHENS COUNTY, OHIO, \$2501.45.

COLUMBUS, OHIO, April 25, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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4182.

APPROVAL, BONDS OF VILLAGE OF NORTH OLMSTED, CUYAHOGA COUNTY, OHIO, \$6,170.00.

COLUMBUS, OHIO, April 25, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*