

removal under said section so long as such officer provides for proper deputies to carry on the functions of the office in such a manner as to adequately provide for the performance of the duties of the office. It is obvious that the only possible violation of said section would be for "gross neglect of duty". In the event the functions of the office are carried on by deputies duly appointed by such treasurer, it is believed that it cannot be legally said that such an officer has been guilty of gross neglect of duty.

Based upon the foregoing, and in specific answer to your inquiry, you are advised:

1. Where a county treasurer is physically absent from his office for a period of seven months on account of illness, such situation does not create a vacancy which the county commissioners are authorized to fill under the provisions of Section 2636 of the General Code if the duties of the office are being properly performed under his supervision.

2. Such a state of facts does not afford grounds for removal under the provisions of Section 10-1 of the General Code.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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191.

HOUSE BILL NO. 165—EXTENSION OF STATE AID TO SCHOOL DISTRICTS CO-OPERATING WITH UNIVERSITIES IN TEACHER TRAINING—CONSTITUTIONAL.

*SYLLABUS:*

*House Bill No. 165, which provides for the extension of state aid to such school districts as co-operate with approved colleges and universities in teacher training work, will, if enacted, be valid and constitutional.*

COLUMBUS, OHIO, March 14, 1929.

HON. S. K. MARDIS, *Chairman, School Committee, House of Representatives, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication in which you request my opinion as to whether or not the provisions incorporated in House Bill No. 165 would, if enacted into law, be constitutional. The title and text of said proposed House Bill No. 165 are as follows:

"A BILL

To provide training school facilities in co-operation with colleges and universities approved as teacher-training institutions.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. Any board of education of any public school district that establishes and maintains in its schools, or in any classroom thereof, schools co-operating, according to rules and standards prescribed by the state department of education, with any college or university approved by the state department of education for the training of teachers, so long as such college or university is so approved, shall receive funds from the general revenues

of the state (1) for the additional cost in the salaries of teachers designated by the state department of education as critic teachers and supervisors in teacher training and (2) for such additional expenditures above the usual school costs as may be required by the state department of education for the maintenance of a training school.

The standards for the support and maintenance of such co-operating schools shall be similar to those of other state supported training schools.

SECTION 2. The funds for the maintenance of such co-operating schools shall be distributed by the department of education to such co-operating schools according to rules and standards used by such department in establishing such co-operating schools.

This act shall not apply to state institutions that maintain campus or co-operating training schools and provide funds for the same in their regular budgets."

The effect of the proposed legislation would be to lend aid by means of State funds to such school districts in the State as co-operate with approved colleges and universities in the training of teachers. The amount of such aid to be extended is limited to the additional cost to the district of maintaining its schools because of such co-operation, and is to be distributed by the State Board of Education in accordance with rules and standards adopted by said department. The Constitution of Ohio in Article I, Section 7, provides in part:

Sec. 7. " \* \* \* Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws \* \* \* and to encourage schools, and the means of instruction."

And said Constitution in Article VI, Sections 2 and 3, provides in part as follows:

Sec. 2. "The General Assembly shall make such provision by taxation or otherwise as with the income arising from the school trust fund will secure a thorough and efficient system of common schools throughout the state.  
\* \* \*"

Sec. 3. "Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds. \* \* \*"

It is a well recognized fact that the efficiency of the public school system is to a very great extent dependent on the qualifications and ability of its teaching force. The training of teachers has come to be recognized by educators and school supervising authorities as one of the most effective means of securing a thorough and efficient system of common schools.

That the training of teachers has long been recognized as a legitimate field for the expenditure of public funds in the interests of the common schools is evidenced by the establishment and operation of normal schools, both State and county, from public funds without question as to their being a part of the public school system.

Very generally, it is now recognized that education is one of the functions of the government and that the public school system is a department of State government. To this end and in the interests of the public school system of the State, co-operation may lawfully be had in my opinion with private educational institutions whose object is the training of public school teachers. If by legislative determination the appropriation of State funds in aid of such school districts as co-operate with private

institutions in the training of teachers is conducive to the welfare of the schools and in furtherance of securing a thorough and efficient system of common schools throughout the State, such legislation is not in my opinion in contravention of the constitutional inhibition upon the expenditure of public funds for private purposes, or in violation of Article II, Section 26 of the Constitution of Ohio which provides that all laws of a general nature shall have uniform operation throughout the State or in violation of Section 2 of Article XII of the Constitution of Ohio providing that all taxes shall be levied by uniform rule.

I am, therefore, of the opinion, in specific answer to your question, that House Bill No. 165, if enacted into law, will not be repugnant to the Federal or State Constitution nor to any limitation contained in either, and will be a valid legislative enactment.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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192.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN HAMILTON AND TUSCARAWAS COUNTIES.

COLUMBUS, OHIO, March 14, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

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193.

APPROVAL, DEEDS TO MIAMI AND ERIE CANAL LANDS IN THE CITY OF CINCINNATI—JOHN AND PAULINA TSCHOFEN.

COLUMBUS, OHIO, March 14, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval a certain deed of the State of Ohio conveying to John Tschofen and Paulina Tschofen, parcel No. 14 of surplus Miami and Erie canal lands heretofore relinquished by the city of Cincinnati to the State of Ohio, pursuant to the provisions of the Act of April 20, 1927 (112 O. L. 210).

I have examined the deed form submitted, and am of the opinion that the same is in conformity with law. You are accordingly advised that this deed has my approval as to form.

Under the provisions of Section 9 of the Act of the General Assembly, above referred to, the sales of surplus Miami and Erie canal lands so relinquished to the State are made by you, subject to the approval of the Governor and the Attorney General. This sale meets with my approval, and I have accordingly endorsed my approval upon the deed form submitted, which is herewith returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*