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1—TEACHERS SALARY SCHEDULE—NO SPECIFIED TIME FOR FILING.

2—TEACHERS ENTITLED TO SERVICE CREDIT — TIME SPENT IN ARMED FORCES PRIOR TO FIRST JOB OF TEACHING.

3—SERVICE CREDIT PROVISIONS — APPLICABLE TO ALL TEACHERS CURRENTLY EMPLOYED—§§3317.06, 3317.14 R.C.—Opinion No. 926, OAG, 1951 FOLLOWED.

SYLLABUS:

1. Section 3317.14, Revised Code, does not specify an exact time for the adoption and filing of the teacher's salary schedule required by said section but requires only that a schedule be filed once each year, effective for the entire school year.

2. Pursuant to Section 3317.06, Revised Code, a teacher is entitled to service credit on the salary schedule for time spent in the Armed Forces prior to his first job of teaching. Opinion No. 926, Opinions of the Attorney General for 1951, followed and affirmed.

3. For a teacher to receive credit for one year's service as a regular public school teacher outside the district or for service as a member of the Armed Forces, pursuant to Section 3317.06, Revised Code, such service should be for a "teaching year," i.e., approximately nine months or for service in the Armed Services, for an "armed services year," i.e., twelve months.

4. The service credit provisions of Section 3317.06, Revised Code, are applicable to all teachers currently employed by any board of education and all such teachers should be given immediate credit for all prior service as required by such section.

5. In the allowance for each year of outside service, pursuant to Section 3317.06, Revised Code, the salary increment to be used by the employing board should be the same as currently used for teachers as a yearly increment for service with such board.

Columbus, Ohio, February 29, 1960

Hon. E. E. Holt, Superintendent of Public Instruction
State Department of Education, Columbus, Ohio

Dear Sir:

I have before me your request for my opinion, which request reads as follows:

"A number of questions have arisen concerning the meaning of Sections 3317.02 and 3317.06 of the Revised Code in relation to recognition on the salary schedule for service outside the district as a regular public school teacher, or for service in the armed forces of the United States, or a combination thereof. In the administration of the School Foundation Program, it is necessary that we advise boards of education in regard to the following questions :

"1. Does the law specifically define when a board should adopt a salary schedule in 1960 or each year thereafter? In the adoption of a salary schedule in 1960 and the allowance of credit for outside service for a teacher, what annual salary thereafter would the 1960 salary schedule relate to?

"2. Is a teacher, under the provisions of Section 3317.06, R.C., entitled to service credit on the salary schedule for time spent in the armed forces prior to his first job of teaching, or prior to the adoption of a salary schedule by a board of education in 1960, or is it required that the teaching services of a person shall be interrupted by services in the armed forces in order for the latter service to count on the salary schedule?

"3. In order for a teacher to receive credit for one year on the salary schedule for services in the armed forces, is it necessary that such service consist of twelve months time?

"4. Does each year of outside service to be counted on the salary schedule by a board of education in the adoption of a salary schedule in 1960 relate only to a teacher's initial employment by a board subsequent to the adoption of a salary schedule in 1960, or does it also include teachers in the services or employment of the board in 1960 but who had not theretofore been given credit for outside service? Should such latter teachers be given credit on the salary schedule adopted in 1960 and each year thereafter for such prior outside service?

"5. Suppose that the employing board in 1955, in its salary schedule, allowed a yearly increment in the amount of \$100 for each of its teachers without outside experience; in 1958 they allowed such teachers a yearly increment of \$200 for each year of service, and on the adoption of a salary schedule in 1960, they allowed such teachers \$250 for each year of service. In the allowance for each year of outside service to a total of at least five years of credit, pursuant to Revised Code Section 3317.06, what salary increment should the employing board use for teachers with outside service?

"What is the meaning of 'The salary increments granted for such service shall be the same as those currently granted by the employing board to teachers without teaching service in other school districts or without service in the armed forces.'?"

You have stated that in the administration of the School Foundation Program, pursuant to Section 3317.02, Revised Code, that several questions have been raised concerning the interpretation of Section 3317.06, Revised Code, which sets forth the minimum annual salaries and service credit for teachers employed in public schools. This section, in so far as it relates to the granting of service credits, reads as follows:

“There is hereby established minimum annual salaries for teaching personnel employed in the public schools as follows:

“(A) Teachers with less than three years of recognized college training shall receive a minimum annual salary of three thousand dollars;

“(B) Teachers with three years of recognized college training who have not received a bachelor’s degree shall receive a minimum annual salary of three thousand three hundred dollars;

“(C) Teachers with a bachelor’s degree from a recognized college shall receive a minimum annual salary of three thousand seven hundred dollars;

“(D) Teachers with a bachelor’s degree from a recognized college and an additional year of recognized college training beyond a bachelor’s degree shall receive a minimum annual salary of three thousand nine hundred dollars;

“(E) Teachers with a master’s degree from a recognized college shall receive a minimum annual salary of four thousand one hundred dollars.

“A board of education shall provide in the teachers salary schedule, adopted pursuant to section 3317.14 of the Revised Code, that each teacher employed by the board shall be given full credit on such schedule for each year of service outside the district as a regular public school teacher or for service in the armed forces of the United States or a combination thereof to a total of at least five years. The salary increments granted for such service shall be the same as those currently granted by the employing board to teachers without teaching service in other school districts or without service in the armed forces. ‘Armed forces’ as used in this section has the meaning set forth in section 3307.02 of the Revised Code.

“Each teacher who has completed training which would qualify him for a higher salary bracket shall file by the fifteenth day of September with the clerk of the board of education satisfactory evidence of the completion of such additional training. The clerk shall then immediately place the teacher in the proper salary bracket in accordance with training and experience before certifying such salary, training, and experience to the state board of education.

“The minimum annual salary provided for in paragraph (A) through (E) of this section shall be considered a minimum pay scale for teachers in this state and boards of education may establish salary schedules in excess of these pay ranges commensurate with local and state tax resources and teaching experience and training.”

Section 3317.14, Revised Code, requires any Board of Education participating in the School Foundation Program to adopt annually and to file with the State Board of Education a teacher's salary schedule, with provision for increments, based upon training and experience.

Your questions relate to the integration of service credits authorized by Section 3317.06, Revised Code, into the teacher's salary schedule required by Section 3317.14, Revised Code, and each question will be answered separately.

In your first question you ask if the law specifically provides when a Board should adopt a salary schedule as provided by Section 3317.14, Revised Code. That section requires a salary schedule to be adopted and filed with the State Board of Education annually but does not specifically require filing at any particular time during the year. For this reason, it would appear that a board of education would sufficiently comply with the statute if it filed its schedule at any time during the year. Regardless of when filed the salary schedule would, of course, be effective for the entire school year in which teachers are employed. Inasmuch as the statute requires annual adoption and filing, the salary schedule adopted and filed in 1960 would apply to and be effective for only that school year.

Your second question raises the issue of whether a service credit may be given to a teacher for time spent in the Armed Forces prior to his first employment as a teacher. This question was answered by Opinion No. 926, Opinions of the Attorney General for 1951, page 754. The syllabus of that opinion reads as follows:

“A teacher by the terms of Section 4848-4a, General Code, is entitled to service credit on the salary schedule for time spent in the armed forces prior to his first job of teaching.”

Although the statute has been amended since 1951, the relevant part is for this purpose the same as then in effect. For this reason, I expressly affirm the holding of that opinion that a teacher is entitled to service credit on the salary schedule for time spent in the Armed Forces prior to his first job of teaching.

Your third question raises the consideration whether "each year of service outside the district as a regular public school teacher or for service in the Armed Service," for which salary credit must be given, must amount to a full twelve months. While the statute is silent on the definition of a year for this purpose, and I have been unable to find any authority specifically defining a year in this context, it would seem that a reasonable interpretation of the term "year," as used in this statute, would permit credit to be given for teaching service for a "teaching year," i.e., approximately nine months and for an "armed services year," i.e., twelve months.

The fourth question you raise is whether the service credit promulgated by Section 3317.06, Revised Code, is solely for the benefit of teachers employed subsequent to the adoption of a 1960 salary schedule or whether teachers currently employed may also receive such benefits. Section 3317.06, Revised Code, expressly states that "each teacher employed by the board" shall be given the appropriate services credits. No reference is found in the statute to the initial employment of teachers and for this reason the language clearly indicates that service credits must be given to all teachers currently employed regardless of when such employment first began. Teachers in the service or employment of a board of education in 1960, who have not heretofore been given full credit for outside service should, therefore, be given such credit on the salary schedule adopted in 1960 and each year thereafter.

Your fifth question, as to what salary increment should be allowed for outside experience, is also clearly answered by this statute. The salary increment which must be granted for such outside service is the same as the increments currently granted by the employing board to teachers without such outside service. In other words, the salary increment for a year of outside service in 1960 must be the same as the yearly increment for a year of service adopted in the 1960 salary schedule. The statutory term "salary increments" clearly refers to the increment to be allowed teachers for each year of service as a teacher.

It is, therefore, my opinion and you are accordingly advised as follows :

1. Section 3317.14, Revised Code, does not specify an exact time for the adoption and filing of the teacher's salary schedule required by said section but requires only that a schedule be filed once each year, effective for the entire school year.

2. Pursuant to Section 3317.06, Revised Code, a teacher is entitled

to service credit on the salary schedule for time spent in the Armed Forces prior to his first job of teaching. Opinion No. 926, Opinions of the Attorney General for 1951, followed and affirmed.

3. For a teacher to receive credit for one year's service as a regular public school teacher outside the district or for service as a member of the Armed Forces, pursuant to Section 3317.06, Revised Code, such service should be for a "teaching year," i.e., approximately nine months or for service in the Armed Services, for an "armed services year," i.e., twelve months.

4. The service credit provisions of Section 3317.06, Revised Code, are applicable to all teachers currently employed by any board of education and all such teachers should be given immediate credit for all prior service as required by such section.

5. In the allowance for each year of outside service, pursuant to Section 3317.06, Revised Code, the salary increment to be used by the employing board should be the same as currently used for teachers as a yearly increment for service with such board.

Respectfully,

MARK McELROY
Attorney General