

383.

CITY CIVIL SERVICE COMMISSION—SUPERVISION OF
CITY SCHOOL DISTRICT.*SYLLABUS:*

The Civil Service Commission of a city has control and supervision of the city school district in which said city is located. O. A. G. 1916, Page 185, approved and followed.

COLUMBUS, OHIO, April 2, 1937.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEK: I am in receipt of your letter of recent date, which is as follows:

“We are enclosing herewith a letter from our Examiner in Cleveland Heights, in which it is shown that the Cleveland Heights School District covers approximately 90% of the City of Cleveland Heights, 100% of University Heights and a small portion of South Euclid, and the question submitted by the Secretary of the Cleveland Heights Civil Service Commission is as follows:

Question. Has the Cleveland Heights Civil Service Commission authority over the employes of a school district which is not coterminous with the geographical area of the city?

Will you kindly consider this question and advise us at your convenience?”

The city of Cleveland Heights is the only city within the limits of the Cleveland Heights School District.

Your question is very similar to that considered in 1916 Opinions of the Attorney General, Page 185. That opinion is affirmed and followed herein. I quote the following from that opinion:

“It is provided in Section 486-19, G. C., as amended 106 O. L., 413, that the mayor or other chief appointing authority of each city shall appoint three persons who shall constitute the municipal civil service commission of such city and of the city school district in which such city is located. It is further provided in said section that such municipal commission shall prescribe, amend and enforce rules not inconsistent with the provisions of this act for

the classification of positions in the civil service of such city and city school district. It is also provided in said section that said municipal commission shall have and exercise all other powers and perform all other duties with respect to the civil service of such city *and city school district*, as is prescribed and conferred upon the state civil service commission with respect to the civil service of the state in the civil service law of which said section is a part."

In specific answer to your inquiry, it is my opinion that the authority of the civil service commission of the city of Cleveland Heights, Ohio, is not limited to the geographical area of the city, but said civil service commission has control and supervision of all positions in the civil service of the city school district named in your inquiry.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

384.

BOARD OF EDUCATION—FREE TEXTBOOKS, WHEN—
MANDATORY, WHEN.

SYLLABUS:

1. *A board of education cannot spread the furnishing of free text books, in at least six subjects over a period of four years and thereby limit its purchase of free text books, in at least six subjects, annually during the school years 1935-36, 1936-37, 1937-38, and 1938-39, to one-fourth of the entire adoption.*

2. *After the expiration of the school year 1936-37, Section 7739, General Code, imposes a mandatory duty upon each board of education to furnish, free of charge the necessary text books to the pupils attending the public schools, except, to those pupils wholly or in part supplied with necessary text books in which cases the duty to supply text books becomes mandatory only as other or new books are needed.*

COLUMBUS, OHIO, April 2, 1937.

HON. LESTER S. REID, *Prosecuting Attorney, Chillicothe, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent communication which reads as follows: