

has been so deposited, such surplus may be placed in a special fund for the acquisition of a "permanent improvement," or otherwise disposed of, as provided in Section 5625-10, General Code.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1257.

CERTIFICATES—HIGH SCHOOL TEACHERS' CERTIFICATES—SHOULD BE SPECIFIC FOR TEACHING ONLY BRANCHES NAMED THEREIN—
"ORIGINAL" CERTIFICATE, DEFINED—"RENEWAL," DEFINED—
CONVERSION OF PROVISIONAL INTO A LIFE CERTIFICATE, DISCUSSED.

SYLLABUS:

1. *All high school teachers' certificates, whether life, provisional, limited, temporary, or emergency, granted by any certifying authority, should be specific for teaching only the branches named therein.*

2. *The word "original," as used in Section 7829-1, General Code, applies to the first high school certificate granted, whether it be a life certificate issued by the state board of school examiners under authority of Sections 7807-2 or 7807-7, General Code, a provisional high school certificate granted by the Director of Education, or limited, temporary and emergency certificates granted by local boards of school examiners.*

3. *The word "renewal," as used in Section 7829-1, General Code, includes not only all certificates issued by authority of law as renewals, for a limited period of time, of certificates which had formerly been granted, but also includes all certificates which are issued when provisional or limited certificates previously granted are converted into life certificates by authority of Sections 7806-6, 7806-7 and 7806-11, General Code.*

4. *A provisional high school certificate heretofore granted by authority of Section 7807-4, General Code, may be converted into a life certificate as provided by Section 7807-6, General Code. Before such conversion may be made, the applicant must meet such requirements for the inclusion of branches to be taught thereunder as may be prescribed by the Director of Education, which requirements may be in the form of an examination, or additional training if the applicant has less than twelve years' teaching experience.*

5. *The issuing of life high school teachers' certificates under Sections 7807-7 and 7807-11, General Code, is governed by the same rules as is the conversion of provisional certificates into life certificates under Section 7807-6, General Code, so far as the inclusion therein of branches which the certificate authorizes the recipient thereof to teach is concerned.*

COLUMBUS, OHIO, November 14, 1927.

HON. JOHN L. CLIFTON, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication as follows:

"Section 7829-1, General Code, provides that all original high school certificates issued after July 1, 1924, by any certifying authority and all re-

renewals of such certificates thereafter issued shall be specific for teaching only the branches named therein. The Director of Education shall specify minimum requirements for the inclusion of branches in state provisional and life high school certificates.

Your interpretation is desired as to the scope of the application of the words 'original' and 'renewals' as they relate to high school certificates. Specifically, does 'original' apply only to the *first* certificate issued to a teacher, and does 'renewals' include the life certificate which may subsequently be granted to one whose original provisional certificate was granted under this section?

A provisional certificate, granted on completion of certain college courses, is limited to the subjects mentioned thereon as college majors or minors. This certificate is granted by authority of the Director of Education and is valid for four years. After twenty-four months of successful teaching the state board of school examiners may grant to the holder a life high school certificate, under Section 7807-6, General Code. Must this life high school certificate be limited in scope to the same subjects as appear as majors and minors on the 'original' provisional.

Another person qualifies for his first high school certificate under Section 7831-2 and continues to receive his certificates in county or city examinations under this section until he has fifty months of teaching experience and may receive a life certificate under Section 7807-7 or Section 7807-11. Would such life certificate be subject to the limitations of the 'original' certificate?"

By virtue of Section 7805, et seq., of the General Code, there is created a State Board of School Examiners, which is authorized to issue teachers' certificates qualifying the holders to teach in the public schools. These certificates are to be issued to such persons as possess the qualifications prescribed by law and the rules of the board, as to scholarship, good moral character, professional experience and ability. The kinds of certificates that may be granted are classified as high school, elementary and special certificates, authorizing the holders of such certificates to teach in the grade and kind of school for which the certificate is issued. State certificates are further classified into provisional, which are valid for four years, and life certificates, valid during the life-time of the person to whom they are granted.

Prior to July 1st, 1924, state provisional high school certificates were granted by the Director of Education as a matter of right upon the applicant's furnishing satisfactory proof of certain educational requirements as provided by Section 7807-4, General Code. These certificates were valid for four years and might be renewed upon satisfactory evidence of the applicants successful teaching as provided by Section 7807-6, General Code.

County boards of school examiners and city boards of school examiners are authorized by statute to issue teachers' certificates, which certificates are valid in the territory over which such boards have jurisdiction. Such certificates are limited as to time, to one and three years.

Prior to July 1, 1924, life high school certificates were granted by the State Board of School Examiners as a matter of right, to holders of provisional high school certificates who had completed at least twenty-four months of successful teaching after securing such provisional certificates, in accordance with Section 7807-6, General Code, or to anyone with certain educational requirements who had completed at least fifty months of successful teaching, as provided by Section 7807-7, General Code, or upon the recommendation of the Director of Education to holders of five or eight year certificates issued by local boards of education, as provided by Section 7807-11, General Code. Life high school certificates might also be granted at the discretion of the board

upon the applicants meeting such requirements and tests, as might be prescribed by the board as provided by Section 7807-2, General Code.

None of these certificates was specific for teaching only such subjects or branches named in the certificate but they were all general in terms and authorized the holder to teach any branches taught in a high school.

In 1923, the legislature enacted Sections 7807-3a, 7829-1, 7831-2 and 7833, General Code, which read as follows:

Section 7807-3a. "As a further condition of granting a state provisional elementary certificate the Director of Education shall prescribe a uniform examination to be conducted at the respective institutions under his direction. He may prescribe appropriate examinations also as prerequisite to the granting of any other kind of state provisional certificate."

Section 7829-1. "All original high school certificates issued after July 1, 1924, by any certifying authority and all renewals of such certificates thereafter issued shall be specific for teaching only the branches named therein. The Director of Education shall specify minimum requirements for the inclusion of branches in state provisional and life high school certificates."

Section 7831-2. "Every applicant for high school certificate by examination shall undergo a general examination in English and in principles of teaching, and a particular examination in all subjects he is to teach. Special examinations may be held as directed by the Director of Education to enable high school teachers to qualify to teach branches not already included in their local or state certificates."

Section 7833. "The Director of Education may prescribe requirements of additional training for the renewal of any class of teachers' certificates or for the conversion of any limited certificates into life certificates without examination in case the teacher has had less than twelve years of teaching experience."

To determine the question of whether or not life high school certificates, issued after July 1st, 1924, as provided by Section 7829-1, supra, must be specific for teaching only the branches named therein, resort must be had to the construction to be placed on the language used by the legislature in the enactment of said Section 7829-1, supra, and cognate sections of the Code.

It is well settled that the object of all judicial investigation in the construction of a statute is to ascertain and give effect to the intent of the law-making body which enacted it and this intent is to be sought first in the language employed. If the language be free from ambiguity and doubt, and expresses plainly, clearly and distinctly the sense of the law-making body, there is no occasion to resort to other means of interpretation.

So far as provisional high school certificates and renewals thereof, as provided for in Sections 7807-4 and 7807-6, General Code, are concerned, it seems clear that the intent of the legislature in the enactment of Section 7829-1, supra, was to modify the mandatory duty of the Director of Education with respect to such certificates and renewals thereof, by requiring that the certificate shall specify the branches which the holders of the certificates may teach and that the certificate shall not be granted until the applicant therefor meets the requirements specified by the Director of Education for the inclusion of the several branches which may be taught in said certificate. The language of Section 7829-1, supra, that,

"All original high school certificates * * * and all renewals of such certificates thereafter issued shall be specific for teaching only the branches named therein * * *"

is clear and unambiguous, and needs no interpretation, so far as its applicability to provisional certificates is concerned. This conclusion is fortified by the language of Section 7807-3a, General Code, enacted at the same time as Section 7829-1, wherein it is provided :

“He (the Director of Education) may prescribe appropriate examinations also as prerequisite to the granting of any other kind of state provisional certificate.”

With respect to life high school certificates the language is not so clear. A life certificate is not a renewal of a provisional or limited certificate. The issuance of a life certificate upon a provisional certificate holder's meeting certain requirements, as provided by law, would more properly be spoken of as a conversion of the provisional certificate into a life certificate. If the first sentence of Section 7829-1, *supra*, stood alone, its provisions could not be extended by construction or interpretation to include life high school certificates.

One of the cardinal rules of the construction of statutes however, approved of by all authorities, is that statutes *in pari materia* are to be construed together. That is to say, each legislative act is to be interpreted with reference to other acts relating to the same matter or subject. All the enactments of the same legislature relating to the same subject matter are to be regarded as parts of one uniform system. Later acts are construed as supplementary or complementary to the earlier enactments.

As before stated, prior to the enactment of 1923, no certificate issued by any certifying authority, except special certificates, specifically stated the branches or subjects which the holder of the certificate was authorized to teach. These later enactments when read together, and as supplementary to the other enactments, clearly indicate an intent on the part of the legislature to change this so that the certificate would show on its face the branches which the holder thereof was qualified and authorized to teach and that the director of education should provide for the granting of such certificate by specifying the requirements for inclusion of such branches in the certificate. While the word “renewal”, as used in Section 7829-1, *supra*, does not technically include life certificates, the language of the next sentence in the same section, which provides that the director of education shall specify minimum requirements for the inclusion of branches in said provisional and life high school certificates, implies that life certificates shall specify the branches for teaching as well as other certificates.

These requirements which the director of education is authorized to make may be by examination or additional training, as is stated in Section 7833, *supra*, wherein the requirements for additional training are limited to applicants for life certificates with less than twelve years experience.

Specifically answering your questions, I am of the opinion :

First, that all high school teachers' certificates, whether life, provisional, limited, temporary, or emergency, granted by any certifying authority, should be specific for teaching only the branches named therein.

The word “original”, as used in Section 7829-1, General Code, applies to the first high school certificate granted, whether it be a life certificate issued by the state board of school examiners under authority of Sections 7807-2 or 7807-7, General Code, a provisional high school certificate granted by the director of education, or limited, temporary and emergency certificates granted by local boards of school examiners.

The word "renewal", as used in Section 7829-1, General Code, includes not only all certificates issued by authority of law as renewals, for a limited period of time, of certificates which had formerly been granted, but also includes all certificates which are issued when provisional or limited certificates previously granted are converted into life certificates by authority of Sections 7806-6, 7806-7 and 7806-11, General Code.

Second, a provisional high school certificate heretofore granted by authority of Section 7807-4, General Code, may be converted into a life certificate as provided by Section 7807-6, General Code. You state in your inquiry that a provisional high school certificate granted on the completion of certain college courses is limited to subjects mentioned therein as college majors or minors, and the question has arisen whether or not, when such provisional certificate is converted into a life certificate, this life certificate must be limited in scope to the same subjects as appear as majors and minors on the original provisional certificate.

It will be noted that Section 7829-1, supra, provides:

"The director of education shall specify minimum requirements for the inclusion of branches in state provisional and life high school certificates."

In specifying the requirements for the granting of life certificates, upon the conversion of provisional high school certificates which have been granted by virtue of Section 7807-4, General Code, upon the applicant's having completed certain college courses, the director of education may specify that what has been designated in the original provisional certificate as college majors and minors is sufficient justification for the granting of a life certificate for teaching these particular branches, or he may specify other or additional requirements for the inclusion of branches in the life certificate. These requirements may be in the form of an examination, or additional training if the applicant has less than twelve years teaching experience.

Third, the issuing of life high school teachers' certificates under Sections 7807-11, General Code, is governed by the same rules as is the conversion of provisional certificates into life certificates under Section 7807-6, General Code, so far as the inclusion therein of branches which the certificate authorizes the recipient thereof to teach is concerned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1258.

BOARD OF EDUCATION—CONCERNING TRANSFER OF PART OF
SCHOOL DISTRICT TO ANOTHER DISTRICT.

SYLLABUS:

1. *The filing of a proper petition is the only means by which a county board of education may be vested with jurisdiction to transfer a part or all of a school district of the county school district to an adjacent city, exempted village or county school district. The filing with a county board of education of a petition which asks for the transfer of a part or all of the territory of a school district of the county school district to an adjacent rural or village district which lies in an adjoining county school district vests no jurisdiction whatever in the county board of education to act in the premises.*