

1141.

APPROVAL, BONDS OF CAIRO VILLAGE SCHOOL DISTRICT, ALLEN COUNTY, \$1,057.92, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, January 23, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

1142.

APPROVAL, BONDS OF WASHINGTON TOWNSHIP RURAL SCHOOL DISTRICT, UNION COUNTY, \$3,749.11, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, January 23, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

1143.

APPROVAL, BONDS OF FAIRFIELD TOWNSHIP RURAL SCHOOL DISTRICT, WASHINGTON COUNTY, \$3,285.87, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, January 23, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

1144.

SCHOOL EXAMINERS—NO AUTHORITY TO REQUIRE PHYSICAL EXAMINATION.

**SYLLABUS:**

*City boards of school examiners are without authority to prescribe a regulation requiring that certificates will be issued only to persons who have passed a satisfactory physical examination.*

COLUMBUS, OHIO, January 24, 1924.

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

DEAR SIR:—Yours of recent date received, in which you submit the following question for an opinion from this department:

“Among the regulations of a city board of school examiners is the following: “Certificates will be issued only to persons who have passed a sat-

isfactory physical examination.' Your opinion is desired as to whether this board of examiners may withhold a certificate until an applicant who is otherwise entitled to such certificate has complied with this rule."

Section 7840 General Code is one of the sections of the chapter of the General Code with reference to the city board of school examiners, and provides as follows:

"Each city board of school examiners shall prior to the year 1924 determine the standard of qualifications necessary for admission of applicants to examination to receive certificates, excepting applicants for certificates to teach in classes supported with federal aid under the supervision of the state board of education; after January 1, 1924, the qualifications shall be equivalent to and determined in like manner as those prescribed for applicants for county certificates."

This is the only section of the General Code giving to a city board of school examiners authority to determine the standard of qualification necessary for admission of applicants for examination to receive certificates. It will be noted in the latter part of the section above quoted that, after January 1, 1924, the qualifications shall be equivalent to and determined in like manner as those prescribed for applicants for county certificates.

Sections 7811 to 7837 General Code, inclusive, are the sections authorizing and defining the powers and authority of county boards of examiners. Section 7818, General Code, provides that as a condition of an applicant being admitted to take the examination, he shall pay to the board a fee of fifty cents. Section 7822 provides that applicants for one-year and three-year elementary certificates shall possess a certain amount of professional training, as therein set forth.

Section 7823 provides that on and after January 1, 1920, applicants for a one-year or three-year high school or special certificate shall possess qualifications in professional training of not less than one year of class room instruction, etc.

Section 7823-1 provides that applicants for high school and special certificates shall hold certificates of graduation from a first grade high school or the equivalent, in addition to the training required in section 7823 General Code.

Section 7825 provides that every applicant for a teacher's certificate shall be required to take in addition to the written examination, to test academic and professional knowledge, a practical test in actual teaching.

Section 7827 provides that no certificates shall be issued to any person who is less than eighteen years of age.

Nowhere in these sections do I find any justification for a board of school examiners to require a physical examination. Inasmuch as such authority is nowhere expressly granted, I am of the opinion that the rule frequently stated by our courts, that only such authority exists as is clearly and distinctly granted, should prevail in this case. The fact that persons with certain physical afflictions or diseases may not be desirable teachers is not overlooked, but it is believed this situation should and can be easily met by the board of education when employing teachers.

Therefore, I am of the opinion that a city board of school examiners is without authority to prescribe a regulation requiring that certificates will be issued only to persons who have passed a satisfactory physical examination.

Respectfully,

C. C. CRABBE,

*Attorney General.*