



OHIO SCHOOL LAWS,

FROM

REVISED STATUTES, PART SECOND, TITLE III.

PASSED BY THE

SIXTY-THIRD GENERAL ASSEMBLY,

JUNE 20th, 1879,

AND TO TAKE EFFECT JANUARY 1st, 1880:

WITH NOTES, OPINIONS, INSTRUCTIONS, AND BLANK FORMS,

PREPARED BY THE

STATE COMMISSIONER OF COMMON SCHOOLS.

COLUMBUS:

NEVINS & MYERS, STATE PRINTERS.
1879.

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1879

CONSTITUTION.

ARTICLE VI.—EDUCATION.

SECTION 1. *The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or intrusted to this State for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.*

SEC. 2. *The General Assembly shall make such provisions, 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; but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this State.*

INTRODUCTORY.

OFFICE OF STATE COMMISSIONER OF COMMON SCHOOLS,
COLUMBUS, OHIO, July 25, 1879.

S. J. R. NO. 92.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby instructed to have printed and bound in muslin twenty-five thousand (25,000) copies of the school laws of 1879, with such notes and decisions by the commissioner of common schools as that officer may deem necessary, with a reference to each section of the law so explained by said commissioner.

Five thousand (5,000) for the use of the commissioner of common schools; and five thousand (5,000) copies to the members of the general assembly; and the remainder to be distributed by the secretary of state to the county auditors of the several counties of the state in proportion to their population, to be further distributed by said auditors, as follows: One copy to the clerk and one to the treasurer of each township; one copy to the clerk of each school district and sub-district; one copy to each prosecuting attorney and probate judge; and one copy to the clerk of each board of school examiners.

The copies distributed through the county auditors to be preserved by their several recipients and handed over to their respective successors in office.

JAMES E. NEAL,

Speaker of the House of Representatives.

JABEZ W. FITCH,

President of the Senate.

Passed June 12, 1879.

This edition of the school title has been prepared in obedience to the above resolution of the General Assembly.

There has been for two years past a steady demand for copies of the school laws from county officers and members of school boards, which demand could not be supplied.

The last edition was exhausted, and at any rate so many changes in the law had been made since its publication as to render it a very unsafe guide.

In the preparation of the notes to this volume, the commissioner has been greatly aided by the official opinions of his predecessors, as con-

tained in the volume of school laws published in 1858, prepared by Hon. Anson Smyth, and containing likewise opinions of Hon. H. H. Barney; the edition of school laws in 1865 by Hon. E. E. White, and a manuscript written by Hon. T. W. Harvey.

In some cases their rulings as to the construction of the law have passed into the text of the law; in other instances, these are no longer applicable, owing to changes in the statute; in many others, these opinions concerning the force of a section of the law, and utterances with regard to the unwritten law—custom, are the exact matters to be presented to school officers.

These helps, however, are not available in construing the large number of new statutes, or amendments to old ones, which have been enacted during the past two winters, and some of which now, for the first time, go into effect.

Concerning the latter, I am frank to confess that it would be easier to prepare notes explaining matters whose meaning does not lie entirely upon the surface, if the letters from school officers and teachers to be written during the next few years were now at hand.

I return my thanks to the Attorney General of Ohio, Hon. Isaiah Pillars, for his uniform courtesy and discreet advice upon legal points submitted for official opinion.

This manual has been prepared amid a press of duty which scarcely left time for the absolute necessities of the work. I fear that it bears the signs of hurried composition, but trust its errors are of form and not of fact.

I send it forth with the hope that it will be of great help to school officers in the performance of their duties.

J. J. BURNS,

State Commissioner of Common Schools.

TITLE III.

SCHOOLS.

- CHAPTER 1. CLASSIFICATION AND CHANGE OF DISTRICTS.
CHAPTER 2. CITY DISTRICTS OF THE FIRST CLASS.
CHAPTER 3. CITY DISTRICTS OF THE SECOND CLASS, AND VILLAGE DISTRICTS.
CHAPTER 4. TOWNSHIP AND SPECIAL DISTRICTS.
CHAPTER 5. JOINT SUB-DISTRICTS.
CHAPTER 6. SCHOOL FUNDS.
CHAPTER 7. PROVISIONS APPLYING TO ALL BOARDS.
CHAPTER 8. SCHOOL-HOUSES AND LIBRARIES.
CHAPTER 9. SCHOOLS, AND ATTENDANCE ENFORCED.
CHAPTER 10. ENUMERATION, TREASURER, AND CLERK.
CHAPTER 11. REPORTS.
CHAPTER 12. EXAMINERS.
CHAPTER 13. TEACHERS' INSTITUTES.
CHAPTER 14. CINCINNATI AND TOLEDO UNIVERSITIES.

CHAPTER 1.

CLASSIFICATION AND CHANGE OF DISTRICTS.

SECTION

3885. Classes of school districts.
3886. City districts of first class.
3887. City districts of second class.
3888. Village districts.
3889. Change of classification in certain cases.
3890. Township districts.
3891. Special districts.

SECTION

3892. Boundaries of sub-districts not changed.
3893. Transfer of territory from one district to another.
3894. Township districts may become village districts.
3895. How vote shall be taken.
3896. How board organized.

SECTION 3885. The state is hereby divided into school districts, to be styled respectively city districts of the first class, city districts of the second class, village districts, special districts, and township districts. [70 v. 195, § 1.]

Classes of
School districts.

SEC. 3886. Each city having a population of ten thou-

SCHOOL DISTRICT.

The term "school district" is fully defined in the first seven sections of this title.

Territory attached for school purposes.—The phrase "territory attached

Ch. 1.

Classification and Change of Districts.

City districts of
first class.

and or more, by the census of 1870, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a school district, to be styled a city district of the first class. [70 v. 195, § 2.]

City districts of
second class.

SEC. 3887. Each city of the second class, having a population of less than ten thousand by the census of 1870, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a school district, to be styled a city district of the second class. [70 v. 195, § 3.]

Village dis-
tricts.

SEC. 3888. Each village, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, shall constitute a school district, to be styled a village district. [74 v. 140, § 4.]

Change of clas-
sification in cer-
tain cases.

SEC. 3889. Municipal corporations hereafter created, or advanced to a higher grade, except villages created by advancement or otherwise, shall, from and after their creation or advancement, be school districts corresponding to their grade as herein provided. [70 v. 195, § 5.]

Township dis-
tricts.

SEC. 3890. Each organized township, exclusive of any of its territory included in a city, village, or special district,

for school purposes," as used in sections 3886, 3887, and 3888, evidently applies to territory not included in the corporate limits of a city or village, but which, at the time of its organization, formed a part of the school district or sub district to which the territory of such city or village belonged; or to territory transferred from one district to another, for school purposes, under section 3893 of this chapter.

"Territory detached for school purposes" is territory taken into the corporate limits of a city or village, but not transferred by mutual consent of the boards of education concerned; or territory formally transferred by the city or village district to a district adjoining.

SEC. 3890. The exception of "villages created by advancement or otherwise," hereafter is explained by reference to chapter 3, section 3912.

SEC. 3890. Under this section a change of township boundaries works a corresponding change in the township district boundaries.

shall constitute a school district, to be styled a township district. [70 v. 195, § 7.]

SEC. 3891. Any school district now existing, other than those mentioned in sections *thirty eight hundred and eighty-six, thirty-eight hundred and eighty seven, thirty-eight hundred and eighty eight, and thirty-eight hundred and ninety*, which has been established by a vote of the people in accordance with any act of the general assembly, or which has been established by a general or local act of the general assembly, shall constitute a school district to be styled a special district; and such districts may be established as provided in chapter five of this title. [70 v. 195, § 6.]

Special districts.

SEC. 3892. The several sub-districts and joint sub-districts now existing within any township district shall continue, according to their respective boundaries, to be sub-districts or joint sub-districts thereof, subject to the provisions of this title. [70 v. 195, § 8.]

Boundaries of sub-districts not changed.

CHANGE OF DISTRICT.

SEC. 3893. A part or the whole of any district may be transferred to an adjoining district, by the mutual consent of the boards of education having control of such districts; but no such transfer shall take effect until a statement or map, showing the boundaries of the territory transferred, is

Transfer of territory from one district to another.

SEC. 3891. The terms "separate district," "independent district," "union school district," are here shown to be obsolete.

SEC. 3892. Sub-districts are the sub-divisions of a township organized for school purposes. These sub-divisions are made by township boards of education, by commissioners appointed by the probate court, and by the general assembly.

Concerning joint sub-districts see chapter 5.

SEC. 3893. Territory transferred under this section becomes part of the school district to which it is annexed. The qualified voters residing thereon are entitled to vote at all school elections, and all taxes for school purposes must be assessed upon all the property of the district.

The right of appeal to the county commissioners is given as against such transfer; but if there is a failure of the boards of education to agree to the transfer, no right of appeal exists.

Ch. 1.

Classification and Change of Districts.

entered upon the records of such boards, nor, except when the transfer is for the purpose of forming a joint sub-district until a copy of such statement or map, certified by the clerks of the board making the transfer, is filed with the auditor of the county in which the transferred territory is situate; and any person living in the territory so transferred may appeal to the county commissioners, as provided in section *thirty-nine hundred and sixty-seven*, and the commissioners, at their first regular meeting thereafter, shall approve or vacate such transfer. [70 v. 195, § 40.]

Township districts may become village districts.

SEC. 3894. The board of education of any township district may decide to submit, and, on petition of one-third of the electors of the district, shall submit, at the first regular election for township officers after such decision is made or petition received, the question whether such township district shall be governed by the provisions of this title relating to village districts; and the board shall give notice of the vote to be taken, by posting up written or printed notices, in ten or more public places in the township, at least twenty days prior to such election. [70 v. 195, § 155.]

How vote shall be taken.

SEC. 3895. The election shall be conducted by the township trustees, who shall provide a separate ballot-box and separate poll-books, and make a return of the vote to the township clerk, and also to the commissioner of common schools, within five days after the election; and the persons voting at such elections in favor of such change shall have written or printed on their ballots—"School District," and those opposed to such change—"No School District." [70 v. 195, § 156.]

SECS. 3894, 3895, 3896. The directors of the township cease to be directors, and their office is abolished, as soon as the *new* township board is created with all the powers of a village board.

The result of this change would be a simpler and more effective system for the management of the township schools.

City Districts of the First Class.

Ch. 2.

SEC. 3896. At the annual organization of the township board after any such election, if it be found that a majority of the votes cast were in favor of the change, the board shall select, by vote or lot, six persons to serve as a township board of education, two of whom shall serve for three years, two for two years, and two for one year; and such board shall thereafter be governed by the provisions of this title relating to boards of village districts. [70 v. 195, § 157.]

How board organized.

CHAPTER 2.

CITY DISTRICTS OF THE FIRST CLASS.

SECTION

SECTION

3897. Board of education—how constituted, and how membership increased.

3900. Where certain electors to vote: plats of attached territory.

3898. When two members for each ward, how elected.

3901. Conduct of elections.

3902. How electors on attached territory to cast ballots.

3899. When one member for each ward, how elected.

3903. Meetings and certain powers of the board.

SECTION 3897. In city districts of the first class, the board of education shall consist of two members for each ward, except in districts organized under a law providing for one member only for each ward, in which districts the board may at any time, by a vote of a majority of its members, provide that thereafter each ward shall be represented by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall

Board of education—how constituted, and how membership increased.

CHANGE OF RESIDENCE.

SEC. 3897. When a member of the board of education removes from the district, or from his ward, in case the district is divided into wards, or a director removes from the sub-district, he vacates his office.

Likewise, if the territory upon which such officer resides be transferred to another district, ward, or sub-district.

Ch. 2.

City Districts of the First Class.

be an elector of the ward for which he is elected or appointed.
[70 v. 195, §§ 9, 10.]

When two
members for
each ward, how
elected.

SEC. 3898. At every annual election for city officers in a city which constitutes a district of the first class, and wherein the board consists of two members for each ward, there shall be elected in each ward, by the qualified electors thereof, one judicious and competent person to serve as a member of the board of education of the district, for two years from the third Monday of April succeeding his election, and until the election and qualification of his successor. [70 v. 195, § 11.]

When one mem-
ber for each
ward, how
elected.

SEC. 3899. When the board consists of as many members as there are wards, there shall be elected, at the annual election for city officers, in the year *eighteen hundred and eighty*, and every two years thereafter, in each ward designated by an even number, and in the year *eighteen hundred and eighty-one*, and every two years thereafter, in each ward designated by an odd number, by the qualified electors thereof, one member of the board, who shall hold his office for two years, and until the election and qualification of his successor. [70 v. 195, § 11; 71 v. 55, §§ 1, 2, 3]

Where certain
electors to vote;
platsof attached
territory.

SEC. 3900. An elector residing in the city district, but not in any ward of the city, shall be entitled to vote in the ward to which he is attached by the board of education for school purposes; but an elector residing in the city, and not in the city district, shall not be entitled to vote at any election provided for in this chapter; the board shall ascertain whether the city limits are co-extensive with the limits of the school district; and in case the school district includes territory without the corporate limits, the board shall make or cause to be made a plat of the territory so attached for school purposes, designating thereon by metes and bounds

the ward or wards to which such attached territory is to be thereafter assigned; which plat shall be recorded as a part of the proceedings of the board. [70 v. 195, §§ 10, 11.]

SEC. 3901. The election provided for in section *thirty-eight hundred and ninety-nine* shall be conducted by the judges and clerks of the city elections, and they shall make returns of such election to the board of education within five days from the time of holding the same. [70 v. 195, § 13.]

Conduct of elections.

SEC. 3902. The judges and clerks of city elections, in the wards to which any territory beyond the city limits has been attached by the board of education for school purposes, shall have two separate ballot-boxes and two sets of poll-books; the electors residing on such attached territory may vote at all regular and special elections in such wards for members of the board of education; the judges of election in such wards shall receive the ballots of the electors residing on such attached territory, and deposit them in the ballot-box provided for that purpose; the clerks of election shall enter upon the separate poll-books provided for that purpose the names of such electors so voting; and due returns of such elections for members of the board shall be made as provided by section *thirty nine hundred and one*. [70 v. 195, § 12.]

How electors on attached territory to cast ballots.

SEC. 3903. The board of education shall hold regular meetings once every two weeks, and such special meetings as it may deem necessary; it may fill all vacancies that occur in the board until the next annual election, and may make such rules and regulations for its own government as it may deem necessary; but such rules and regulations must be consistent with the constitution and laws of the state. [70 v. 195, § 14]

Meetings and certain powers of the board.

Ch. 3. City Districts of the Second Class, and Village Districts.

CHAPTER 3.

CITY DISTRICTS OF THE SECOND CLASS, AND VILLAGE DISTRICTS.

SECTION	SECTION
3904. Membership of board of education.	3909. Notice of elections.
3905. Election of members in city districts.	3910. Returns to be made to board.
3906. Conduct of the election.	3911. How membership increased.
3907. Election when as many members as wards.	3912. How village may become village district.
3908. Election in village districts.	3913. How village district organized.
	3914. Organization of board.

Membership of
board of educa-
tion.

SECTION 3904. In city districts of the second class, and in village districts, the board of education shall consist of six members, except in districts organized under a law providing for only three members, who shall have the qualifications of an elector therein, and in such districts the membership may be increased to six, in the manner hereinafter provided; but the board of a city district of the second class may provide, by a vote of a majority of its members, that the board shall consist of as many members as the city has wards. [70 v. 195, §§ 16, 17.]

Election of
members in
city districts.

SEC. 3905. In city districts of the second class, except such as are mentioned in section *thirty-nine hundred and seven*, members of the board of education shall be elected annually, to serve for the term of three years from the third Monday of April succeeding their election, and until the election and qualification of their successors; if the board consists of six members, two judicious and competent persons shall be elected each year; and if the board consists of three members, one such person shall be elected each year. [75 v. 53, § 18.]

SEC. 3906. If the boundaries of the district and the city are identical, or, if territory has been detached from the city and attached to another district, the election shall be conducted exclusively by the judges and clerks of the city election, but electors residing within the bounds of such detached territory shall not vote thereat; but if territory outside the city limits is attached to the district, an election shall also be held for the same purpose in the township from which it was detached, and conducted by the judges and clerks of the township election, but only electors residing within the bounds of such territory shall vote thereat; the election shall be held at the same time and places as the elections for city or township officers are held; the names of candidates for such membership shall be upon separate tickets, and all such tickets voted shall be deposited in separate ballot-boxes, which shall be provided by the board of education; separate poll-books of the election shall be kept; and returns of the election shall be made to the clerk of the city which constitutes the district. [75 v. 53, § 18.]

Conduct of the election.

SEC. 3907. In a city district of the second class in which the board consists of as many members as the city has wards,

Election after membership increased.

SEC. 3906. There has been some misunderstanding as to the meaning of this section, but I think that there can be no doubt of the correctness of this construction: that the electors of each ward vote at the ward polls for two members of the board, on a separate ticket, and in a separate ballot-box, provided by the board of education.

If any portion of the school district is outside the corporate limits of the city the board of education must place a ballot box "at the usual place of holding elections for township officers," and in this, persons residing in the school district, but out of the city, may vote for members of the board. Returns from the various polls are to be made to the city clerk.

The board of education in a city district of the second class has the power to declare that said board shall consist of as many members as the city has wards. If this has been done in any case, each ward elects its own members, the election being conducted in the manner laid down in section 3902 of this title.

Until the erection into a village district and organization by the election and qualification of a board of education, no portion of the sub-district included in such village is withdrawn from the school jurisdiction of the township.

Ch. 3. City Districts of the Second Class, and Village Districts.

there shall be elected biennially in each ward, at the time and in the manner provided in the preceding chapter for election in city districts of the first class, one competent and judicious person to serve as a member of the board for two years from the third Monday of April succeeding his election, and until the election and qualification of his successor; but at the first election after it is decided that the board shall be so constituted, the persons elected in wards designated by odd numbers shall serve for only one year from the third Monday of April succeeding their election, and until the election and qualification of their successors; and the board shall ascertain the limits of the district, assign attached territory to wards, and make and record a plat thereof, as provided in section *thirty-nine hundred*. [75 v. 53, § 18; 70 v. 195, § 101.]

Election in village districts.

SEC. 3908. In village districts members of the board of education shall be elected on the first Monday of April annually, to serve for the term of three years from the third Monday of April succeeding their election, and until the election and qualification of their successors; the qualified electors of the district, including those residing within the bounds of territory attached to the district, but beyond the village limits, shall meet between the hours of six o'clock A. M. and six o'clock P. M. of said day, at the usual places of holding school elections, organize by the appointment of a chairman and secretary, and proceed to vote by ballot for persons to serve as members of the board; and if the board consists of six members, two judicious and competent persons shall be elected each year, and if it consists of three members, one such person shall be elected each year. [75 v. 53, § 18.]

SEC. 3909. The clerk of the board of education of each city district of the second class, and of each village district, shall publish a notice of the election and meeting provided for in the preceding sections, in a newspaper of general circulation in the district, or post written notices of such meeting in five of the most public places in the district, at least ten days before the holding of the same, which notice shall specify the time and place of the election or meeting, and the number of members to be elected. [75 v. 53, § 19.]

Notice of elections.

SEC. 3910. The secretary of the meeting or clerks of elections in village districts provided for in this chapter shall keep a poll-book and tally-sheet, and return the same within five days after the election to the clerk of the board of education of the district, duly certified. [75 v. 53, § 20.]

Returns to be made to board.

SEC. 3911. When the electors of a city district of the second class, or of a village district, the board of education of which consists of three members, desire that the board shall consist of six members, they may make such change in the manner following: Written or printed notices shall be posted in at least five of the most public places in the district, at least ten days prior to the day designated therein, signed by a majority of the members of the board of education, or by one member of the board and at least ten resident electors of the district, requesting the qualified electors of the district to assemble on a day, and at an hour and a place, to be designated therein, then and there to vote for or against such change; the electors, when assembled in accordance with the notice, shall appoint a chairman and two clerks, who shall

How membership increased.

TIME OF NOTICE.

SEC. 3909. In computing the time of the notice, either the day on which the notice was posted or the day on which the meeting was held will be counted. [20th Vermont, 4-7.]

A notice for a school election must state the purposes for which it is held. Should a vote be taken on any other subject than that or those included in the notice, the election would be illegal. [14th Vermont, 300.]

Ch. 3. City Districts of the Second Class, and Village Districts.

be judges of the election; the electors in favor of the proposed change shall have written or printed upon their ballots the words, "Board—change," and those opposed thereto the words, "Board—no change," and the ballots cast shall determine the question whether the change shall be made; the judges shall make due return of the election to the board of education of the district, within ten days after the holding of the same; and if a majority of the votes cast be found to be in favor of the change, three additional members of the board shall be chosen at the next annual election for school officers, one to serve for one year, one for two years, and one for three years, and annually thereafter two members of the board shall be chosen to serve for three years, as provided in section *thirty-nine hundred and five*. [70 v. 195, § 21.]

How village
may become
village district.

SEC. 3912. When the electors of a village desire to erect it into a village district, they may proceed in the following manner: Written or printed notices, signed by not less than five electors, resident of the village, shall be posted, at least ten days prior to the day designated therein, in at least five of the most public places within the village, requesting the electors thereof to meet for the purpose of voting on the question of establishing a village district, on a day, and at an hour and a place, to be designated in the notices; the meeting shall be held within the limits of the village, between the hours of six o'clock A.M. and six o'clock P.M., and the polls shall be kept open at least six hours; the electors, when assembled in accordance with the notice, shall ap-

SEC. 3912. Under the act of March 14, 1853 (51 v. 429), when an incorporated village was formed within or to include a material portion of a sub-district, no portion thereof is, by reason of such incorporation, withdrawn from the school jurisdiction of the township, but the whole continues to be a sub-district until the actual election or appointment of a separate school board; and the portion of the sub-district not included within the limits of such incorporated village is "territory annexed for school purposes," within the meaning of the act. *Cist v. State*, 21 O. S. 339.

point a chairman and two clerks, who shall be judges of the election; the electors in favor of the proposed village district shall have written or printed on their ballots the words, "Village district, yes," and those opposed thereto the words, "Village district, no;" and the votes cast shall determine the question whether such village district shall be established; if a majority of the votes cast at such election be opposed to the establishment of such village district, the question of establishing the same shall not again be submitted to the electors of the village until the succeeding regular annual election for village officers, and then only upon notice being given as above provided; and if a majority of the votes cast at such election be in favor of the establishment of such district, the village may be organized as a village district in the manner provided in the next two sections. [74 v. 140, § 4.]

SEC. 3913. Written or printed notices, signed by not less than five electors residing within the limits of the village, shall be posted in at least five of the most public places therein, requesting the electors of the village to meet for the purpose of electing a board of education for such proposed village district, on a day, and at an hour and a place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them for such meeting; the electors, when assembled in accordance with the

How village
district organized.

SEC. 3913. The title to and possession of all school property within such district then pass to the board of education, and should be transferred to them by the township board having possession.

The office of director in the sub-districts included in each village district is abolished when the organization of the village board is completed.

A village district thus created from territory in a township district is entitled to a pro rata share of all general school funds in the township treasury at the time of such organization, or that shall thereafter come into such township treasury as the proceeds of a levy or levies made while the territory was under the jurisdiction of the township board of education.

Ch. 3.

Township and Special Districts.

notice, shall appoint a chairman and two clerks, who shall be judges of the election, and shall then choose by ballot six competent and judicious persons to serve as members of the board of education of the proposed district—two to serve for one year, two to serve for two years, and two to serve for three years, from the third Monday of April next preceding the organization of the district, and until the election and qualification of their successors; but if the election be held on the day of the annual election for school officers, there shall be elected two persons to serve for one year, two for two years, and two for three years, from the third Monday of April succeeding their election, and until the election and qualification of their successors. [71 v. 55, § 5.]

Organization
of board.

SEC. 3914. If such election be held on the first Monday of April, the board elected thereat shall organize at the time and in the manner provided in section *thirty nine hundred and eighty*; but if the election be held at any other time, the board shall organize on the next Monday thereafter, and in the same manner. [71 v. 55, § 6.]

CHAPTER 4.

TOWNSHIP AND SPECIAL DISTRICTS.

SECTION	SECTION
3915. Township board of education—how constituted and organized.	3922. Elections in new sub-districts.
3916. Election and qualification of directors.	3923. Board of special district—how constituted, and how increased.
3917. Notice and conduct of election.	3924. Election of members.
3918. Meetings of directors.	3925. Notice and conduct of election.
3919. How vacancies in board filled.	3926. How special districts abandoned.
3920. Regular and special meetings of board.	3927. Members of the board to become directors; disposition of property, etc.
3921. Map of township district; change of sub-districts.	

SEC. 3914. In case a village forfeits or surrenders its charter, the organization of the school district is not affected thereby. [Ohio Laws, vol. 75, page 157, sec. 8 and 11.]

Township and Special Districts.

Ch. 4.

TOWNSHIP DISTRICTS.

SECTION 3915. The board of education of each township district divided into sub-districts shall consist of the township clerk, and the directors who have been appointed clerks of the sub districts; the board of a township district which is not divided into sub-districts shall consist of the township clerk, and the directors of the district; the board of a township district which is composed of not more than two sub-districts shall consist of the township clerk, and the directors of the two sub-districts; and the clerk of the township shall be clerk of the board, but shall not be entitled to a vote. [70 v. 195, §§ 26, 29; 70 v. 241, § 44.]

Township board of education—how constituted and organized.

SEC. 3916. There shall be elected by ballot, on the second Monday of April, annually, in each sub-district, and in each township not divided into sub-districts, by the qualified electors thereof, one competent person, having the qualifications of an elector therein, to be styled director, who shall hold his office for three years from the day of his election, and until his successor is elected and qualified; and such

Election and qualification of directors.

SEC. 3915. The township clerk has all the rights of a member of the board but that of voting. One-half of the sub-district clerks, with the township clerks, constitute a quorum.

A township board of education is not authorized to determine the right of its own members to act as such, after their election as clerks of the sub-districts has been certified to the township clerks by the chairman and secretary of the sub-district meeting, and by the directors at their meeting for organization. The irregularities in an election can not be corrected by the township board.

SEC. 3916. The time each director is to serve should be designated on the ballots, and such designation can not be disregarded by the judges of election. [20 Ohio State R., p. 336.]

WHO MAY VOTE FOR DIRECTORS.

SEC. 3916. Any person who is entitled to vote at the township election may vote for director in the sub-district of which he is a bona fide resident, without regard to the length of time during which he may have lived in the sub-district.

A school director can not act as such until legally qualified. This qualifying may take place immediately after the election.

The board of directors must organize within the week after the election, so they may be represented at the meeting of the township board of education on the following Monday.

Ch. 4.

Township and Special Districts.

director shall, within five days after his election, take an oath or affirmation to support the constitution of the United States, and the constitution of the state of Ohio, and to discharge the duties of his office faithfully and impartially, which oath or affirmation may be administered by any director of a sub-district of the township, or by the township clerk. [75 v. 81, § 27.]

Notice and
conduct of
election.

SEC. 3917. The clerk of each sub-district, or, if a township is not divided into sub-districts, the clerk of the township, shall post written or printed notices in three or more conspicuous places in his sub-district or township, as the case may be, at least six days prior to the day of election, designating the day and hour of opening and the hour of closing the election; the election shall be held at the usual place of holding school meetings in the sub-district, or township district which is not divided into sub-districts; the meeting shall be organized by appointing a chairman and a secretary, who shall act as judges of the election; and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges, and delivered within five days to the clerk of the township. [70 v. 195, § 28; 75 v. 81, § 27.]

Meeting of di-
rectors.

SEC. 3918. The directors of each sub-district, two of whom shall constitute a quorum, shall meet within five days after the second Monday of April each year, at such place as may be most convenient in the sub-district, and organize by appointing one of their number clerk of the sub-district, who shall preside at the official meetings of the directors, and record their proceedings in a book to be provided for that purpose, together with the minutes of the proceedings of the annual school meetings held in the sub-district by the electors thereof, which shall be a public record; all such proceedings, when so recorded, shall be signed

by the clerk; the directors may meet as frequently as they deem necessary for the transaction of business, and may fill vacancies in the office of clerk, or, if the clerk be absent, either of the other directors may officiate temporarily in his place; but no business shall be transacted at a meeting of which due notice has not been given to each of the directors of the sub-district, either personally or by a written notice left at his residence or usual place of business. [70 v. 195, § 23.

SEC. 3919. If the qualified electors of a sub-district, or of a township not divided into sub-districts, fail to meet and elect a director on the second Monday of April in any year, as prescribed in this chapter, or if a vacancy occur in the board of directors, any three qualified electors of such sub-district or township may call a special meeting of the electors thereof within ten days after such failure to elect, or the occurrence of such vacancy, for the purpose of electing a director, on first giving five days' notice in writing of the time and place of holding such meeting, by posting the same in three of the most public places in the sub-district or township; the director elected at such meeting shall hold

How vacancies
in board filled.

SEC. 3918. Directors should not fail to organize before the third Monday of April, so that they be represented in the township board of education. Business done by directors not at a meeting of which each one of the directors of the sub-district is duly notified, is without warrant of law, and consequently void.

In case the clerk is absent from any of the meetings of the directors, one of the directors present can officiate temporarily in his place; but he cannot serve as a member of the township board of education until regularly appointed.

NOTICE.

SEC. 3918. But two modes of giving notice are named. If any other mode, as by mail, be used, and legal proceedings ensue concerning some act of the directors done at the called meeting, the burden of proof would rest upon those affirming the legality of the meeting to show that the notice was received.

In 16 Maine R., 185, it is held that the dismissal of a teacher by two directors was illegal, because the third was not notified, although he was out of town. That does not allow the majority to dispense with the rule requiring notice.

his office for the unexpired term to be filled, and until the election and qualification of his successor; and if there be a failure to hold such general election, or the special election provided for in this section, the township clerk shall appoint some suitable resident of the sub-district to act as director until the next election, and until the election and qualification of his successor. [70 v. 195, § 20.]

Regular and
special meet-
ings of board.

SEC. 3920. The board of education shall hold regular sessions on the third Monday of April and on the third Monday of September in each year, at the usual place of holding township elections, or at such place in the immediate vicinity thereof as may be convenient for the transaction of business, and may adjourn from time to time, or hold special meetings at any other time and place within the township, as it deems desirable for the transaction of business, which special meetings may be called by the township clerk, by the president of the board, or by two or more members of the board; but each member of the board must be duly notified thereof personally, or by a written notice left at his residence or usual place of business. [70 v. 195, § 31.]

Map of town-
ship district;
change of sub-
districts.

SEC. 3921. A map of each township district shall be prepared by the board, as often as it may deem necessary, in which shall be designated the numbers and boundaries of the sub-districts thereof; the board may, at any regular session, increase or diminish the number, or change the boundaries of sub-districts; but no sub-district shall contain

APPOINTMENT BY CLERK.

SEC. 3919. The township clerk should wait ten days, at the end of which time he should appoint, unless notice of a special election has been given.

Five day's notice.—See Note 1, section 3909.

SEC. 3920. The adjourned meetings of a "regular" session are "regular meetings."

less than sixty resident scholars by enumeration, except in cases where, in the opinion of the board, it is necessary to reduce the number; and any sub-district which may be established by act of the general assembly shall be governed by the provisions of this title, except that it cannot be changed or consolidated by the board within three years after its formation, unless the written consent of two-thirds of the electors residing in the territory affected by such change is obtained. [75 v. 120, § 32.]

SEC. 3922. When the board consolidates two or more sub-districts into a new sub-district, or establishes a new sub-district in any other way, it shall call a special meeting of the qualified electors resident in the new sub-district, for the purpose of electing directors for the same; at least five days before the time fixed for the meeting the board shall post, in three of the most public places in the new sub-district, written or printed notices, stating time, place, and

Elections in
new sub-dis-
tricts.

SIZE OF SUB-DISTRICTS.

SEC. 3921. When a sub-district contains less than sixty enumerated youth, and, in the opinion of the board, it is not *necessary* that the number should be so small, it is the duty of the board to enlarge or abolish such sub-district. But when, by reason of swamps, streams of water, a want of passable roads, or sparseness of population, it is impossible to form sub-districts that shall contain at least sixty scholars without practically depriving some youth of school advantages, boards of education are at liberty, and it is their duty, to form smaller sub-districts. School funds are raised for the purpose of "affording the advantages of a *free education to all the youth of the State*," and every inhabitant has a right to demand the establishment of a school within such a distance of his residence, and with such facilities for reaching it, as will enable his children to attend.

The term "sub-district," as used in section 1 of the supplementary act of April 9, 1867 (64 v. 117), does not include the sub-ordinate territorial divisions of separate school districts into which a city or village may be sub-divided, but applies exclusively to township or county sub-districts. *Andus v. Sparger*, 19 O. S., 577.

The attaching of a territory composing a sub-district to adjacent sub-districts by a township board of education, under section 32 of the act of May 1, 1873 (70 v. 203), is not a consolidation of two or more sub-districts into a new sub-district, within the meaning of said section, but is a change or alteration of the boundaries of the sub-districts; and the offices of local directors in the sub-districts to which such territory is attached are not thereby vacated. *State v. Gibbs*, 25 O. S., 256.

Ch. 4.

Township and Special Districts.

object of holding the meeting; the election shall be conducted as provided in this chapter, and three directors shall be elected, one to serve for one year, one for two years, and one for three years from the annual meeting next preceding the organization of the new sub-district; and the terms of office of the directors of sub-districts so consolidated shall expire at the time such new sub-district is created. [75 v. 120, § 32.]

SPECIAL DISTRICTS.

Board of special district—how constituted, and how increased.

SEC. 3923. The board of education of each special district shall consist of three members, who shall be residents of the district, and have the qualifications of an elector therein; and when the electors of any special district, the board of education of which consists of three members, desire that the board shall consist of six members, they may make such change in the same manner as provided for city districts of the second class and village districts, in section *thirty-nine hundred and eleven*. [70 v. 195, § 22.]

Election of members.

SEC. 3924. There shall be elected annually, by ballot, on the second Monday of April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board for three years from the first Monday succeeding his election, and until the election and qualification of his successor; but in special districts hereafter established, the first election for members of the board shall be held within twenty days after such establishment, at least five days previous notice of which, stating the time and place of meeting, and signed by at least three electors of the district, shall be posted in three of the most conspicuous places in the district; at such meeting a chairman and clerk shall be chosen, and there

shall be elected three members of the board, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday, and each to serve until the election and qualification of his successor. [71 v. 57, § 23; 75 v. 120, § 19.]

SEC. 3925. The clerk of the district shall post written or printed notices, in three or more conspicuous places in the district, at least six days prior to the day of election, designating the day and the hour of opening and closing the election; and the election shall proceed, and a return thereof be made, in the manner provided for elections in village districts, and shall continue at least two hours. [71 v. 57, § 24.]

Notice and
conduct of
election.

SEC. 3926. When the electors of a special district desire to abandon their organization, and become a part of the township district of the township in which such special district is located, they may make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board and at least six resident electors of the district, requesting the qualified electors thereof to assemble on a day, and at an hour and a place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change; the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which shall continue at least two hours; those in favor of the proposed change shall have written or printed on their ballots

How special
district aban-
doned.

the words "School—change," and those opposed thereto the words "School—no change," and a majority of the ballots cast shall determine the question whether the change shall be made; the judges shall, within five days after the election, make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township board, which shall thereupon assume jurisdiction of the territory, property, and affairs of the special district, and thereafter treat such district as a sub-district of the township district. [72 v. 27, § 25.]

Members of the board to become directors; disposition of property, etc.

SEC. 3927. The members of the board of education of the special district shall be directors of the sub-districts so created, for the remainder of the terms for which they were elected respectively; the clerk of the special district board shall deliver to the clerk of the township board all the books and papers of the special district in his custody, and notify the county auditor, in writing, of the abandonment of the organization of the district; the treasurer of the special district board shall deliver to the treasurer of the township board all the books, papers, and money of the special district in his possession; the township board shall complete all unfinished business pertaining to the special district; any debt contracted by the special district board shall be paid out of the money transferred to the treasurer of the township board, as herein provided, and money arising from taxes levied by the special district board; and if such funds are insufficient therefor, the remainder shall be paid by a special tax upon the property of the sub-district so created. [72 v. 27, § 25.]

CHAPTER 5.

JOINT SUB-DISTRICTS.

SECTION	SECTION
3928. Township boards may establish by mutual agreement.	3940. Clerks to have present plats and papers.
3929. How the school governed and supported.	3941. The report of the commissioners.
3930. Further provisions for establishment.	3942. The effect of the report.
3931. May be established on petition.	3943. Judgment for costs; what fees allowed.
3932. What petition to contain.	3944. Report and judgment for sub-district.
3933. Clerks to give notice of filing, etc.	3945. How costs paid in such case.
3934. When petition may be filed with probate judge.	3946. Petition for other purposes.
3935. Security for costs to be given.	3947. Proceedings thereon.
3936. Time and place of meeting of commissioners.	3948. When such petition may be filed with probate judge.
3937. Publication of notice.	3949. Election, duties, etc., of directors.
3938. Commissioners to be appointed.	3950. Power to change joint sub-districts limited.
3939. Oath and duties of commissioners.	

SEC. 3928. When the better accommodation of scholars makes it desirable to form a joint sub-district, composed of parts of two or more townships, the boards of education of the townships interested may, by mutual agreement, at a joint meeting held for the purpose, establish the same, and fix the boundaries thereof; if there is no suitable school-house within such boundaries, or if there is one, but it is not suitably located, the boards shall designate a site whereon to erect such building; but if there is a suitable school-

Township boards may establish by mutual agreement.

SEC. 3928. Mutual agreement implies consent of each board interested; that is, it requires a majority of a quorum of each board to form a joint sub-district.

Joint sub-districts can be established only by a transfer of territory. The teacher thereof must hold a certificate from the board of examiners of the county in which the school-house is situated.

Ch. 5.

Joint Sub-Districts.

house within such boundaries, properly located, the school shall be held therein; a chairman and secretary shall be chosen at such meeting, and the secretary shall make a memorandum of the proceedings had thereat; a copy of such memorandum, signed by the chairman and secretary, shall be transmitted to the clerk of each of the boards, who shall record the same in his record of proceedings of the board; and the secretary shall transmit a like copy of the proceedings to the auditor of each county having territory embraced in the joint sub-district. [70 v. 195, § 34.]

How the
school governed
and supported.

SEC. 3929. The school in a joint sub-district shall be under the control of the board of education of the township in which the school-house is situate, of which board the director who is clerk of the joint sub-district shall be a member; but such school shall be supported from the school funds of the townships having territory in the joint sub-district, in proportion to the enumeration of youth, as provided in sections *thirty-nine hundred and sixty-one and thirty-nine hundred and sixty-two*. [75 v. 84, § 35.]

Further pro-
visions for es-
tablishment.

SEC. 3930. Joint sub-districts may be established also in the manner provided in succeeding sections of this chapter.

May be estab-
lished on peti-
tion.

SEC. 3931. Three or more qualified electors, resident of the territory sought to be included therein, may apply, in writing, to the board of education of any township wherein any part of the territory is situate, for the creation thereof. [75 v. 120, § 1.]

CLERK'S RESIDENCE.

SEC. 3929. The clerk of the joint sub-district may reside in either township and be a member of the board of education of the township in which the school-house is located.

If territory upon which are no youth of school age be attached to another township, such township can receive no school funds from the township in which the territory is situated. There is at least one illustration of this case.

Joint Sub-Districts.

Ch. 5.

SEC. 3932. The petition shall describe the territory sought to be included in the joint sub-district, may set forth the reasons requiring the creation thereof, and shall be filed with the clerk of the board of education to which it is addressed. [75 v. 120, § 2.]

What petition to contain.

SEC. 3933. Upon the filing of such petition, such clerk shall forthwith give notice thereof, in writing, to the members of the board of which he is clerk, which notices shall name a suitable and convenient place, and a day and hour, for the boards to meet; he shall also transmit a like notice, forthwith, to the clerks of all other boards of education having jurisdiction over any of the territory sought to be affected; and such clerks, upon the receipt of such notice, shall in like manner give notice forthwith of the filing of such petition, and of the time and place of meeting, to each member of their respective boards. [75 v. 120, § 3.]

Clerks to give notice of filing, etc.

SEC. 3934. It shall be the duty of such boards to meet and consider the petition within thirty days from the time the same is filed, but if they do not do so within sixty days from such time, or, having met, fail to establish the joint sub-district, or determine not to establish it, three or more electors of the territory sought to be included therein may file a petition therefor with the probate judge of the county; and if the territory sought to be included therein is situate in two or more counties, the petition may be filed with the probate judge of either county. [75 v. 120, § 4.]

When petition may be filed with probate judge.

SEC. 3935. The petitioners shall also file with the probate judge the undertaking of one or more of their number, with security to the satisfaction of the judge, in the sum of

Security for costs to be given.

SEC. 3934. There is no right of petitioning the probate judge unless the board of education has failed to establish, or decided not to establish, the sub-district sought for.

Ch. 5.

Joint Sub-Districts.

one hundred dollars, conditioned that the petitioners will pay all the costs of a proceeding if a joint sub-district be not established thereby. [75 v. 120, § 5.]

Time and place
of meeting of
commissioners.

SEC. 3936. Upon the filing of such petition and undertaking, the judge shall fix a time, not more than sixty days thereafter, and a place, which shall be the school-house upon the territory, if there is one thereon, and if there is more than one school-house thereon, then the house last built, and if there is no school-house thereon, then some convenient place within the territory, for the meeting of the commissioners hereinafter directed to be appointed. [75 v. 120, § 6.]

Publication of
notice.

SEC. 3937. The judge shall thereupon cause to be published, for four consecutive weeks, in two newspapers of opposite politics, printed and of general circulation in the county where the petition is filed, notice of the filing of such petition, and of the time and place of meeting of the commissioners. [75 v. 120, § 7.]

Commissioners
to be appointed.

SEC. 3938. The judge shall also make an order appointing three judicious, disinterested men of the county, and not residents of either of the townships to be affected, to be commissioners, and to act in the premises; if a person so appointed die, or fail from any cause to be present and to act, or if he give notice of his inability to serve, the judge shall forthwith, by order, appoint another in his stead, who may act as if he had been originally appointed; and the judge shall deliver a copy of the petition and his order to the commissioners, and shall instruct them in the law applicable to such proceedings. [75 v. 120, § 8.]

Oath and duties
of commission-
ers.

SEC. 3939. The commissioners shall take an oath to discharge faithfully the duties required by this chapter, according to the best of their knowledge and understanding,

and shall meet at the time and place named in the published notice, may examine witnesses under oath, which may be administered by one of their own number, and consider and determine the question whether a joint sub district ought to be established. [75 v. 120, § 9.]

SEC. 3940. The clerks of the several boards of education interested shall be present at the meeting of the commissioners, and have with them the plats of the several townships, with the lines of the several sub-districts marked thereon, and such other papers and documents as will serve to inform the commissioners, and give them a correct idea of the wants of the petitioners. [75 v. 120, § 10]

Clerks to have present plats and papers.

SEC. 3941. The commissioners shall report, in writing, to the probate judge—

The report of the commissioners.

1. Whether or not a joint sub-district ought to be established, and their reasons therefor.

2. If they find in favor of the establishment of a joint sub-district, they shall give the lines and a plat thereof; they may also change the lines of the sub-district proposed in the petition, by including therein other territory, or excluding territory included therein, or both; and if there is no suitable school-house within such boundaries, or, if there is one, but it is not suitably located, they shall designate a site whereon to erect such building. [75 v. 120, § 11.]

SEC. 3942. The report of the commissioners, if against the establishment of a joint sub-district, shall be a bar to any proceeding to establish a joint sub-district out of any of the territory described in the petition for three years; and if the report be in favor of the establishment of a joint sub-district, it shall be final, unless set aside by the probate court for fraud. [75 v. 120, § 12.]

The effect of the report.

Ch. 5.

Joint Sub-Districts.

Judgment for costs; what fees allowed.

SEC. 3943. If the report be against the establishment of a joint sub-district, the judge shall render judgment against the petitioners for all the costs of the proceeding; and the commissioners and the judge shall receive the same fees as are authorized to be charged for like services in proceedings to establish roads, and such other fees as are authorized by law. [75 v. 120, § 13.]

Report and judgment for sub-district.

SEC. 3944. If the report be in favor of the establishment of a joint sub-district, the judge shall make an entry confirming the same; and a certified copy of the report, including the plat and his order, shall be delivered to the clerk of the board of education of each township interested therein, and thereafter such joint sub-district shall be fully established, and it shall be governed and controlled in the same manner as joint sub-districts otherwise established. [75 v. 120, § 14.]

How costs paid in such case.

SEC. 3945. In such case the judge shall tax the costs of the proceedings to the board of education of the several townships interested, in such proportion as he may deem just and equitable, and certify the same to the clerks of such boards; and the boards shall be liable therefor, and at the first regular or special meeting of each thereafter payment of the amount so taxed to it shall be ordered. [75 v. 120, § 15.]

Petition for such purposes.

SEC. 3946. A petition may, in like manner, be filed with the clerk of the board of education of any township, praying for the creation of an additional sub-district, or for changing the lines of sub-districts, or for the creation of a

SECS. 3946 and 3948. These sections do not seem to authorize the changing of boundary lines of city districts, by either the boards of education or the commissioners appointed by the probate judge. But see section 3893.

special school district, or for changing the lines of special or village districts, and adjoining sub-districts; but when a special or village district is interested in such proposed change, the petition may be filed either with the clerk of the township board, or the clerk of the board of education of such special or village district; and when any such lines have been so changed, they shall not be altered by any board or boards of education until after the expiration of three years, except upon the written consent of two-thirds of the electors residing within the territory affected by the change. [75 v. 120, § 16.]

SEC. 3947. Such petition may be filed with the clerk of the board of education of such special or village district, with the clerk of the board of education of the township, or, if the changes sought by the petition affect territory in more than one township, with the clerk of the board of education of either township; and, upon the filing thereof, the members of the board or boards interested shall be notified, as provided in section *thirty-nine hundred and thirty-three*. [75 v. 120, § 17.]

Proceedings
thereon.

SEC. 3948. It shall be the duty of such board or boards to meet and consider the petition within thirty days from the time the same is filed; but on failure to do so within sixty days from such time, or, if the board or boards meet, and fail to grant the prayer of the petitioners, a petition may be filed with the probate judge of the county, as provided in section *thirty-nine hundred and thirty-four*, and thereafter such proceedings may be had thereon, and they shall have the same effect, as is herein provided for the formation of joint sub-districts. [75 v. 120, § 18.]

When such pe-
tition may be
filed with pro-
bate judge.

Ch. 6.

School Funds.

Election, duties, etc., of directors.

SEC. 3949. Directors of joint sub-districts shall be elected at the same time, in the same manner, and for the same term, as directors of other sub-districts, and shall organize at the same time, and in the same manner, have the same powers, perform like duties, and be subject to the same penalties; but in such sub-districts hereafter established, the first election shall be held within twenty days after such establishment, at least five days' previous notice of which, stating the time and place of meeting, and signed by at least three electors of the sub-district, shall be posted in three of the most public places in the sub-district; and at such meeting a chairman and clerk shall be chosen, and there shall be elected three directors, one to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday, and until the election and qualification of their successors. [70 v. 195, § 34; 75 v. 120, § 19.]

Power to change joint sub-districts limited.

SEC. 3950. No joint sub-district which is now organized, or may hereafter be organized, shall be dissolved, changed, or altered, unless by the concurrent action of the boards of education of the several townships having territory included therein. [72 v. 63, § 36.]

CHAPTER 6.

SCHOOL FUNDS.

SECTION

- 3951. The "state common school fund."
- 3952. Interest upon proceeds of salt and swamp lands.
- 3953. The "common school fund."
- 3954. Accounts of common school fund—how kept, etc.
- 3955. Bequests, etc., in trust for common school fund.

SECTION

- 3956. Apportionment of school funds by auditor of state.
- 3957. To what county common school fund paid when county line divides original surveyed township.
- 3958. Estimate and levy for contingent fund.

School Funds.

Ch. 6

SCHOOL FUNDS—Continued.

SECTION	SECTION
3959. Limitation as to levy for contingent fund.	3966. Apportionment of common school fund by county auditor when county line divides original surveyed township.
3960. Estimate to be certified to county auditor.	3967. Apportionment of contingent fund by boards of education.
3961. Contingent fund for joint sub-district.	3968. How contingent fund to be applied in Toledo.
3962. Same when county line divides such sub-district.	3969. County commissioners to levy contingent fund when board neglects.
3963. Funds of district composed of territory in more than one county.	3970. County auditor to collect fines, etc., and inspect section sixteen accounts.
3964. Apportionment of school funds by county auditor.	
3965. Distribution of money after apportionment.	

SECTION 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied, annually, a tax upon the grand list of taxable property of the state, which shall be collected in the same manner as other state taxes are collected, and the proceeds of which shall constitute the "state common school fund;" the rate of such levy shall be designated by the general assembly at least once in two years; and if the general assembly fail to designate the rate for any year, the same shall be one mill upon each dollar of valuation of such taxable property. [70 v. 195, § 126.]

The "state common school fund."

SEC. 3952. The state shall pay interest annually, at the rate of six per cent. per annum, upon all money which has been paid into the state treasury on account of sales of lands commonly called "salt lands," and upon all money heretofore paid, or which may hereafter be paid into the state treasury on account of sales of swamp lands granted to the state of Ohio by act of congress; the money received from such sales shall constitute an irreducible debt of the state; and the interest shall be apportioned annually on the same basis as the state common school fund is apportioned, and

Interest upon proceeds of salt and swamp lands.

Ch. 6.

School Funds.

distributed to the several counties as provided in section *thirty-nine hundred and fifty-six*. [70 v. 195, § 132; 49 v. 40, § 1.]

The "common school fund."

SEC. 3953. The money which has been and may hereafter be paid into the state treasury on account of sales of lands granted by congress for the support of public schools in any original surveyed township, or other district of country, shall constitute the "common school fund," of which the auditor of state shall be superintendent, and the income of which shall be applied exclusively to the support of common schools, in the manner designated in this chapter. [70 v. 195, §§ 127, 128.]

Accounts of common school fund—how kept, etc.

SEC. 3954. The common school fund shall constitute an irreducible debt of the state, on which the state shall pay interest annually, at the rate of six per cent. per annum, to be computed for the calendar year, and the first computation on any payment of principal hereafter made to be from the time of payment to and including the thirty-first day of December next succeeding; and the auditor of state shall keep an account of the fund, and of the interest which accrues thereon, in a book or books to be provided for the purpose, with each original surveyed township and other district of country to which any part of the fund belongs, crediting each with its share of the fund, and showing the amount of interest thereon which accrues and the amount which is disbursed annually to each. [70 v. 195, §§ 128, 129.]

Bequests, etc., in trust for common school fund.

SEC. 3955. When any grant or devise of land, or any donation or bequest of money or other personal property, is made to the state of Ohio, or to any person, or otherwise, in trust for the common school fund, the same shall become vested in said fund; and when the money arising therefrom

is paid into the state treasury, proper accounts thereof shall be kept by the auditor of state, and the interest accruing therefrom shall be applied according to the intent of the grantor, donor, or devisor. [70 v. 195, § 131.]

SEC. 3956. The auditor of state shall apportion the state common school fund to the several counties of the state semi-annually, upon the basis of the enumeration of youth therein, as shown by the latest abstract of enumeration transmitted to him by the state commissioner of common schools; before making his February settlement with county treasurers, he shall apportion such amount thereof as he shall estimate to have been collected up to that time, and, in the settlement sheet which he transmits to the auditor of each county, shall certify the amount payable to the treasurer of his county; before making his final settlement with county treasurers each year, he shall apportion the remainder of the whole fund collected, as nearly as the same can be ascertained, and in the August settlement sheet which he transmits to the Auditor of each county, shall certify the amount payable to the treasurer of his county; in each February settlement sheet he shall also enter the amount of money payable to the county treasurer on the apportionment of interest specified in section *thirty-nine hundred and fifty-two*; he shall also enter, in each February settlement sheet the amount of money payable to the county treasurer on account of interest for the preceding year on the common school fund, and designate the source or sources from which the interest accrued; he shall transmit with each February settlement sheet a certified statement, showing the amount of interest derived from the common school fund payable to each original surveyed township or other district of country

Apportionment
of school funds
by auditor of
state.

within the county ; and the treasurer of each county shall, at each semi-annual settlement with the auditor of state, retain in the county treasury, from the state taxes collected by him, the amount of the funds herein mentioned shown by the settlement sheet of the auditor of state to be payable to him at that time ; but if such amount for any county exceeds the amount of state taxes collected therein, the auditor of state shall draw an order on the treasurer of state, in favor of the treasurer of such county, for the balance of school funds due his county, and transmit the same to such county treasurer, and the treasurer of state shall pay such order upon its presentation to him. [70 v. 195, §§ 120, 130.]

To what county common school fund paid when county line divides original surveyed township.

SEC. 3957. If parts of an original surveyed township or fractional township are situate in two or more counties, the amount of interest on common school fund due to such township shall be paid in the manner provided in the last section, to the treasurer of the county wherein the greatest relative portion of such township is situate ; but if it be un-

APPORTIONMENT OF SCHOOL FUNDS.

SEC. 3956. The common school fund arising from the State tax, and rents or sale of school lands, are apportioned among the school districts of the State, on the basis of the enumeration of youth of school age. Hence it is essential that this enumeration should be taken accurately. By section 4038 any district failing to take and return its enumeration forfeits its share of such funds.

By section 4037 the county auditor is authorized to employ a proper person to take the enumeration in any district whenever the same is not taken as required by law, and section 4038 makes the clerk liable for all damage or loss accruing to any school district by his neglect to cause such enumeration to be taken and returned to the county auditor.

The Auditor of State apportions these funds to the several counties, and certifies the same to the county auditors, and they apportion them to the school districts in the county, giving the clerks and treasurers of school districts a copy of such apportionment, and giving orders on the county treasurer for the amounts so apportioned, and taking their receipt therefor.

All fines, etc., collected and paid into the county treasury should be disbursed to the proper school districts in the same manner.

By Revised Statutes of Ohio, Title 1, Chapter 13, Section 358, the State Commissioner is required to exercise such supervision over the educational funds of the State as may be necessary to secure their safety and *right application and distribution according to law.*

certain in which county such portion is situate, the amount of interest due to such township shall be paid to the treasurer of the oldest county in which any part of the township is situate. [70 v. 195, § 130.]

SEC. 3958. Each board of education shall, annually, at a regular or special meeting to be held between the third Monday in April and the first Monday in June, determine by estimate, as nearly as practicable, the entire amount of money necessary to be levied as a contingent fund, for the continuance of the school or schools of the district after the state funds are exhausted, to purchase sites for school-houses, to erect, purchase, lease, repair, and furnish school-houses, and build additions thereto, and for other school expenses. [75 v. 526, § 56; 75 v. 101, § 4.]

Estimate and
levy for contin-
gent fund.

SEC. 3959. Such estimate and levy shall not exceed in the city of Cincinnati three and one-fourth mills, but the board of education in said city may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said city, which levy, however, shall in no case exceed five mills; in the city of Cleveland, four and one-half mills, and in all other districts seven mills on each dollar of valuation of taxable property. [61 v. 63, § 2; 63 v. 15, § 1; 75 v. 101, § 4; 75 v. 526, § 56.]

Limitation as
to levy for con-
tingent fund.

SEC. 3960. The amount so estimated the board shall certify, in writing, on or before the first Monday in June in each year, to the auditor of the county to which the district

Estimate to be
certified to
county auditor.

SCHOOL FUNDS.

SEC. 3958. Contingent funds and State funds constitute all the funds under control of a board of education. State funds must be devoted to the payment of teachers, as the local tax is for the *entire amount* necessary to be levied as a contingent fund.

Ch. 6.

School Funds.

belongs, who shall assess the entire amount upon all the taxable property of the district, and enter it upon the tax list of the county, and the county treasurer shall collect the same, at the same time and in the same manner as state and county taxes are collected, and pay it to the treasurer of the district, upon the warrant of the county auditor; and unless he is paid a fixed salary, he shall receive one per centum on all money so collected, and no more. [70 v. 195, §§ 57, 58.]

Contingent
fund for joint
sub-district.

SEC. 3961. For a joint sub-district, the estimate required by section eight shall be made by the board of education having control of the school thereof, and apportioned to the several townships having territory therein in proportion to the enumeration of youth in the territory belonging to each; the board shall certify such estimate, so apportioned, to the county auditor, who shall add the portion for each township to the estimate for a contingent fund certified to him by its board of education, and place it on the tax list therewith for collection as part of the township estimate; when the county auditor apportions the school funds he shall transfer to the township having control of the school, from the other townships, the amount so assessed and collected, and certify to the clerk and treasurer of each township the amount due the joint sub district, including state tax, interest on the common school fund, contingent fund, and money received from other sources, which amount shall be paid to the treasurer of the board having control of the

BUILDING FUNDS.

SEC. 3960. The board must also certify any additional amount for building or other purposes which may have been voted at a special meeting of electors, and so required to be certified in Sec. 3992.

The board must certify the amount of money, not rates of levy.

School Funds.

Ch. 6.

school; and such board shall cause to be kept such accounts as will show the funds received from each township, and the disposition thereof, and transmit to the other board or boards interested, at the end of the school year, a statement of such receipts and expenditures. [75 v. 84, § 35.]

SEC. 3962. When a joint sub-district is composed of fractions of two or more counties, such estimate shall be apportioned to townships, as provided in the preceding section, and the amount apportioned to the township or townships belonging to each county shall be certified by the board to the auditor thereof, whose duties in the premises shall be the same as prescribed for the auditor in the preceding section, so far as the provisions thereof are applicable; and the board shall keep accounts, and report receipts and expenditures, as provided in said section. [72 v. 63, § 36.]

Same when county line divides such sub-district.

SEC. 3963. The funds belonging to a district composed of territory in more than one county shall be paid by the treasurer of the other counties to the treasurer of the county in which the school-house of the district is situate; the auditors of the other counties shall make settlement on account of such funds with the auditor of the county in which such school-house is situate; and the treasurer of the district shall make the settlement required by section *thirty-nine hundred and sixty-six* with such auditor.

Funds of districts in more than one county.

SEC. 3964. Each county auditor shall, annually, immediately after his annual settlement with the county treasurer, apportion the school funds for his county; the state common school fund shall be apportioned, in proportion to the enumeration of youth, to districts, sub-districts, and joint sub-districts, and fractions of districts and joint sub-districts, within the county; but if an enumeration of the

Apportionment of school funds by county auditor.

Ch. 6.

School Funds.

youth of any district, for any year, has not been taken and returned, such district shall not be entitled to receive any portion of said fund; the contingent funds collected from the several districts shall be paid to the districts to which they respectively belong; money received from the state on account of interest on the common school fund shall be apportioned to the school districts and parts of school districts within the territory designated by the auditor of state as entitled thereto, in proportion to the enumeration of youth therein; and all other money in the county treasury for the support of common schools, and not otherwise appropriated by law, including one-half the amount received for show licenses, shall be apportioned annually in the same manner as the state common school fund. [70 v. 195, § 120; S. & C. 64, § 2; S. & C. 1406, § 3.]

Distribution of
money after
apportionment.

SEC. 3965. The auditor shall, immediately after such apportionment is made, enter the same in a book to be kept for that purpose, and furnish a certified copy of the apportionment to each school treasurer and clerk in his county; and he shall give to each of such treasurers an order on the county treasurer for the amount of money payable to him, and take his receipt therefor. [70 v. 195, § 120.]

Apportionment
of common
school fund by
county auditor
when county
line divides
original sur-
veyed town-
ship.

SEC. 3966. When an original surveyed township or fractional township is situate in two or more counties, and the land granted thereto by congress for the support of public schools has been sold, the auditor of the county to whose treasurer the interest on the proceeds of such sale is paid shall apportion such interest to the counties in which such township is situate, in proportion to the youth of the township enumerated in each; such auditor shall certify to the auditor of each of the other counties the amount so ascer-

tained to belong to the part of the township situate in his county, and transmit to the treasurer of each of such counties an order on the treasurer of his own county for such amount; and the auditor of each county shall apportion the amount of such interest belonging to the part of the township in his county, to the districts or parts of districts entitled thereto, in proportion to the enumeration of youth therein, and certify and pay the same to the proper school officers, as provided in the preceding section. [70 v. 195, §§ 121, 122; 72 v. 63, § 36.]

SEC. 3967. So much of the contingent fund as may be set apart by a township board for the continuance of schools after the state funds are exhausted, shall be so apportioned by the board that the schools in all the sub-districts of the township shall be continued the same length of time each year; and if the apportionment be not satisfactory to the directors of any sub-district, or a majority of them, they may

Apportionment
of contingent
fund by boards
of education.

DISBURSEMENT OF CONTINGENT FUND.

SEC. 3967. The custom which has prevailed in some township districts of dividing the contingent fund and placing it in the hands of directors, is not legal. All school funds should be retained in the custody of the township treasurer until drawn out for the payment of expenses legally incurred.

It is advisable for each board to require directors to report for payment all contracts made under the provisions of this section to the board at their next meeting after the making of such contracts.

Inasmuch as the larger sub-districts receive more of the State funds than the smaller sub-districts, the latter ought to receive proportionally more of the township tuition fund than the former. If, however, the larger sub-districts contain two or more schools, or actually require more tuition money than the smaller to sustain their schools an equal length of time, they are entitled to more.

The larger sub-districts may, in some instances, be obliged to pay higher wages than the smaller. The intention of the law is to require boards of education to provide the necessary funds, all the circumstances being duly considered, for continuing the schools of the several sub-districts an equal length of time.

In case the township tuition fund is distributed by the board illegally, complaint should be made to the county commissioners under this section.

Building Committees.—In township districts, directors are the legal building committees, but they can take the necessary steps for building or repairing only under the instruction and by the authority of the board of education.

give notice thereof, in writing, to the county commissioners, who, at their first regular meeting for the transaction of business after the receipt of such notice, shall revise the apportionment, and the amount aforesaid shall be apportioned in the manner determined by the commissioners. [70 v. 195, § 60.]

How contingent
fund to be ap-
plied in Toledo.

SEC. 3968. In the city of Toledo, at each annual settlement of the treasurer of the board of education with the county auditor, there shall be placed to the credit of a sinking fund so much of the proceeds of the levy for contingent fund as would be produced by a levy of two mills, and the treasurer shall apply the same in payment of school bonds, and interest thereon, and to no other purpose. [75 v. 526, § 56.]

County commis-
sioners to levy
contingent fund
when board
neglects.

SEC. 3969. If the board of education of any district fail in any year to estimate and certify the levy for a contingent fund, as required by this chapter or to provide sufficient school privilege for all the youth of school age in the district, or to provide for the continuance of any school in the district for at least six months in the year, or to provide for each school an equitable share of school advantages as required by this title, or to provide suitable school-houses for all the schools under its control, the commissioners of the county to which such district belongs, upon being advised and satisfied thereof, shall do and perform any or all of said duties and acts, in as full a manner as the board of education is by this title authorized to do and perform the same; and the members of a board who cause such failure shall be each severally liable, in a penalty not exceeding fifty nor less than

SEC. 3969. By this section the county commissioners are authorized to do whatever the board of education has not done, in order to furnish opportunities for six months' tuition to all the school youth of the district.

Provisions applying to all Boards.

Ch. 7.

twenty-five dollars, to be recovered in a civil action in the name of the state, upon complaint of any elector of the district, which sum shall be collected by the prosecuting attorney of the county, and when collected shall be paid into the treasury of the county, for the benefit of the school or schools of the district. [72 v. 59, § 59.]

SEC. 3970. The auditor of each county shall collect, or cause to be collected, all fines and other money for the support of common schools in his county, and pay the same to the county treasurer; he shall inspect all accounts of interest accruing on account of section sixteen or other school lands, whether the same is payable by the state or by the debtors; and he shall take all proper measures to secure to each school district in his county the full amount of school funds to which it is entitled. [70 v. 195, § 120.]

County auditor to collect fines, etc., and inspect section sixteen accounts.

CHAPTER 7.

PROVISIONS APPLYING TO ALL BOARDS.

SECTION

- 3971. Powers of boards of education.
- 3972. What property the boards have title to.
- 3973. School property exempt from taxation.
- 3974. Conveyances and contracts.
- 3975. Boards may accept bequests.
- 3976. Process against boards, and how served.
- 3977. Duties of prosecuting attorney and city solicitor.
- 3978. Tie votes to be decided by lot.

SECTION

- 3979. Oath of members and other officers.
- 3980. Organization of board.
- 3981. Vacancies in board, and how filled.
- 3982. Quorum; yeas and nays to be taken in certain cases.
- 3983. Absence of president or clerk.
- 3984. Record of proceedings, and attestation thereof.
- 3985. Boards to make rules; illegal meetings.
- 3986. Board may make and enforce rules for vaccination.

SECTION 3971. The boards of education of all school districts now organized and established, and of all school districts organized under the provisions of this title, shall be

Powers of boards of education.

Ch. 7.

Provisions applying to all Boards.

and they are hereby declared to be bodies politic and corporate, and as such capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing, and disposing of property, both real and personal, and taking and holding in trust, for the use and benefit of such districts, any grant or devise of land, and any donation or bequest of money or other personal property, and of exercising such other powers, and having such other privileges, as are conferred by this title; but when a board of education decides to dispose of any property, real or personal, held by it in its corporate capacity, exceeding in value three hundred dollars, it shall sell the same at public auction, after giving at least thirty days' notice thereof, by publication in some newspaper of general circulation, or by posting notices in five of the most public places in the district to which such property belongs. [70 v. 195, § 37.]

What property
the boards have
title to.

SEC. 3972. All property, real or personal, which has heretofore vested in and is now held by any board of education, or the council of any municipal corporation, for the use of public or common schools in any district, is hereby vested in the board of education provided for in this title, having under this title jurisdiction and control of the schools in such district. [70 v. 195, § 39.]

SEC. 3971. A board of education is not liable in its corporate capacity, for damages for an injury resulting to a pupil while attending a common school, from its negligence in the discharge of its official duty in the erection and maintenance of a common school building under its charge, in the absence of a statute creating a liability. *Finch v. Board of Education*, 30 O. S., 37.

SEC. 3972. Under the act of May 1, 1873 (70 v. 195), the corporate boards of education therein provided for succeed to all existing rights of action in relation to the common school property and funds which were theretofore vested, by previous legislation, in other agencies to whose control such property and funds had been confided. *Crofton v. Board of Education*, 26 O. S., 571.

Provisions applying to all Boards.

Ch. 7.

SEC. 3973. All property, real or personal, vested in any board of education, shall be exempt from tax, and from sale on execution, or other writ or order in the nature of an execution. [70 v. 195, § 72.]

School property
exempt from
taxation.

SEC. 3974. All conveyances made by a board of education shall be executed by the president and clerk thereof; no member of a board shall have any pecuniary interest, either direct or indirect, in any contract of the board, or be employed in any manner for compensation by the board of which he is a member, except as clerk or treasurer; and no contract shall be binding upon any board unless it be made or authorized to be made at a regular or special meeting of the board. [70 v. 195, §§ 31, 38.]

Conveyances
and contracts.

SEC. 3975. All boards of education may, by the adoption of a resolution, accept any bequest made to them by will, upon the conditions and stipulations contained in the will, and for the purpose of enabling such boards to carry out the conditions and limitations upon which the bequest

Boards may ac-
cept bequests.

PROTECTION OF SCHOOL PROPERTY AND SCHOOLS.

SEC. 11. Whoever willfully interrupts or disturbs any assembly of persons met for a lawful purpose, or any person while he is at or about the place where such assembly is to be held, or is or has been held, shall be fined not more than fifty dollars, or imprisoned not more than ten days, or both. [73 v. 224, § 1; 61 v. 98, § 1, S. & S., 288; 70 v. 216, § 74.]

Penal Code, Chap. 5, Sec. 11.

SEC. 39. Whoever maliciously injures or defaces any church edifice, school-house, dwelling-house, or other building, its fixtures, books or appurtenances, or commits any nuisance therein, or purposely and maliciously commits any trespass upon the inclosed grounds attached thereto, or any fixtures placed thereon, or any inclosure or sidewalk about the same, shall be fined in any sum not more than one hundred dollars. [63 v. 175, § 1, S. & S., 280, § 51; 70 v. 216, § 73.]

Penal Code, Chap. 4, Sec. 39.

SEC. 3974. This section forbids financial dealing between the board and any of its members, except the payment for services of clerk and treasurer.

Neither a member of the board nor a director can be employed as teacher in his own district or sub-district.

Section 42 of the Penal Code recites that, "A member of a board of education organized under any law of this state, who accepts or receives any compensation for his services as such member, except as clerk or treasurer of said board, shall be deemed guilty of embezzlement of the amount so received, and punished accordingly."

Ch. 7.

Provisions applying to all Boards.

is made, they are authorized to make all rules and regulations that may be required to fully carry into effect the provisions of the will in relation to the bequest. [73 v. 205, § 2.]

Process against
boards, and
how served.

SEC. 3976. The process in all suits against a board of education shall be by summons, and shall be served by leaving a copy thereof with the clerk or president of the board. [70 v. 195, § 68.]

Duties of prosecuting attorney and city solicitor.

SEC. 3977. The prosecuting attorney of the proper county, or, in case of a city district, the city solicitor, shall prosecute all actions which by this title may be brought against any member or officer of a school board in his individual capacity, and shall act, in his official capacity, as the legal counsel of such boards or officers in all civil actions brought by or against them in their corporate or official capacity; but no prosecuting attorney or city solicitor shall be a member of the board of education. [70 v. 195, § 69.]

Tie votes to be
decided by lot.

SEC. 3978. In all cases of tie votes, at any election for members of a board of education, or of directors of a sub-district, the judges of election shall decide the election by lot; and in other cases of failure to elect members of the board, or in case of a refusal to serve, the board shall appoint. [70 v. 195, § 43.]

SEC. 3976. In all suits against members of boards of education or directors in their individual capacity, judgments and costs must be paid by the parties themselves, and not by the board of education out of the school funds.

The appropriation of school money for such purposes would be a misappropriation of such funds, and should be punished as provided in Chapter 4, Section 11, of the Criminal Code.

TITLE TO OFFICE.

SEC. 3978. A *quo-warranto* is the proper writ to try the question of title to an office.

The director claiming his office by color of an election or appointment, is an officer *de facto*, and his acts in relation to the public, or third persons, are valid until he is removed.

The same may be said of members of boards of education.

School officers may be restrained from doing an illegal act by writ of INJUNCTION.

Mandamus is the process for compelling the performance of official duty on the part of one who has sworn to make such performance.

Provisions applying to all Boards.

Ch. 7.

Oath of members and other officers.

SEC. 3979. Each person elected or appointed a member of a board of education, or elected or appointed to any other office under this title, shall, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States and the constitution of the state of Ohio, and that he will perform faithfully the duties of his office; which oath or affirmation may be administered by the clerk or any member of the board. [71 v. 15, § 42]

Organization of board.

SEC. 3980. Each board of education shall organize by choosing one of its members president, and, except township boards, by choosing also a clerk, who may or may not be a member of the board; if, at the organization of a township board, the township clerk is absent, the board shall appoint one of its members clerk pro tempore; and such organization shall be effected on the third Monday of April each year, except as otherwise provided in section *thirty-nine hundred and fourteen*. [70 v. 195, § 29; 70 v. 241, § 44.]

Vacancies in board, and how filled.

SEC. 3981. Vacancies in any board of education, except of a township district, arising from death, non-residence, resignation, expulsion for gross neglect of duty, failure of a person elected or appointed to qualify within ten days after the annual organization or after his appointment, or from other cause, which occur more than fifteen days before the next annual election, the board shall fill without delay, until the next annual election, when a successor shall be elected to

SEC. 3980. The mode of electing officers of the board is stated in section 3982.

VACANCIES IN BOARDS OF EDUCATION.

SEC. 3981. The leaving of a district temporarily by a member of a board of education is not equivalent to a resignation; nor has the board power to declare the place vacant in such case of temporary absence.

Any resolution of a board declaring what shall constitute a forfeiture of membership has no validity, such power not being conferred upon boards of education.

Ch. 7.

Provisions applying to all Boards.

fill the unexpired term; any vacancy which occurs in a township board, from any of the causes aforesaid, shall be filled by the election of a clerk by the directors of the proper sub district; and a clerk of a sub district who is guilty of gross neglect of duty shall cease to hold his office, and a new election shall be held by the directors to fill such office. [70 v. 195, § 43.]

Quorum; yeas and nays to be taken in certain cases.

SEC. 3982. A majority of the board of education shall constitute a quorum for the transaction of business; upon a motion to adopt a resolution authorizing the purchase or sale of property, either real or personal, or to employ a superintendent, teacher, janitor, or other employé, or to elect or appoint an officer, or to pay any debt or claim, or to adopt

MODES OF VOTING

SEC. 3982. In other matters of business not herein specified, such roll-call is not required, unless demanded by a member of the board, and a majority of a quorum is sufficient to carry a measure. In the cases stated, if only a majority of the voting members are present the vote must be unanimous.

An agreement by members of a township board of education, acting in their individual capacity, to purchase from another person apparatus for the schools of the township, and to ratify such contract of purchase at the next meeting of the board, is contrary to public policy, and, therefore, illegal and void, and not enforceable, either against the board or the members thereof as individuals. *McCortle v. Bates*, 29 O. S., 419.

A board of education is a body corporate, and the contracting of a debt by the board, and the directing the issuance of an order to pay it, are corporate acts which can not be performed by the individual members of the board separately; and, therefore, a contract which was signed by the members of the board separately, and delivered to the clerks, and which was afterward, at a subsequent meeting, repudiated by the board, was held not be binding upon either party. *State v. Liberty Tp.*, 22 O. S. 144.

The order of the clerk on the treasurer is not negotiable, and the written acceptance of an order by a treasurer who has gone out of office imposes no greater obligation on the treasurer to pay than if it had been presented without such indorsement. *Ib.*

Transaction of business.—All business of the board of education must be transacted at a meeting attended by a majority of the members. A written agreement to purchase maps, apparatus, etc., or to vote for such purchase at the next meeting, signed by a majority or all of the individual members of the board, but not at a meeting, has no legal validity as an act of the board of education, and the township clerk has no authority to draw an order upon the treasurer for the payment of any sum required to fulfill such illegal contract.

Such a transaction is not an act of the board any more nearly than an agreement of the members of the general assembly at their homes to support some proposed measure is a law of the state.

Meetings of board.—The members of the board are bound to know the

Provisions applying to all Boards.

Ch. 7.

any text-book, the clerk of the board shall call, publicly, the roll of all the members composing the board, and enter on the record required to be kept the names of those voting "aye," and the names of those voting "no;" if a majority of all the members of the board vote "aye," the president shall declare the motion carried; and upon any motion or resolution any member of the board may demand the yeas and nays, and thereupon the clerk shall call the roll, and record the names of those voting "aye" and those voting "no." [71 v. 15, § 42.]

SEC. 3983. If at any meeting of the board either the president or clerk is absent, the members present shall choose one of their number to serve in his place pro tempore; and if both are absent, both places shall be so filled; but on the appearance of either at the meeting, after his place has been so filled, he shall immediately assume the duties of his office. [70 v. 195, § 31.]

Absence of
president or
clerk.

SEC. 3984. The clerk of the board shall record the proceedings of each meeting, in a book to be provided by the board for that purpose, which shall be a public record; the record of proceedings at each meeting of the board shall be

Record of pro-
ceedings and
attestation
thereof.

time and place of the two regular meetings provided for by law, without notice.

No notice of an *adjourned* meeting is required to be given, except to members who were absent from the regular or prior meeting.

But at a *special* meeting no act can be done unless *all* the members have had reasonable notice of the time (and of the place also, if it be an unusual one) of the meeting.

The statute makes no exposition of what shall constitute a contract between a teacher and his employers, and the manner of employment is not settled by custom.

Usually a resolution moving the employing of a certain superintendent or teacher, and receiving the votes of a majority of all the members of the board is regarded as a contract between the parties. This bare act would surely not so be interpreted by the courts. When based upon the application of the teacher, and followed by notice from the clerk acting under instructions, the salary attached to the position being a matter of common knowledge, or stated in both application and resolution, it would, without much doubt, be a contract.

However, a written agreement signed by the proper parties is more definite and satisfactory.

Ch. 7.

Provisions applying to all Boards.

read at its next meeting, corrected if necessary, and approved, and the approval shall be noted in the proceedings; and after such approval the president shall sign the record, and the clerk shall attest the same. [70 v. 195, § 29; 71 v. 15, § 42.]

Board to make rules and regulations; illegal meetings.

SEC. 3985. The board of each district shall make such rules and regulations as it may deem expedient and necessary for its government, and the government of its appointees and the pupils; and no meeting of a board of education not provided for by its rules, or by law, shall be legal unless all the members thereof have been notified as provided for in section *thirty-nine hundred and twenty*. [70 v. 195, § 54.]

Board of education to make and enforce rules for vaccination.

SEC. 3986. The board of each district may make and enforce such rules and regulations to secure the vaccination of, and to prevent the spread of small-pox among, the pupils attending or eligible to attend the schools of the district, as in its opinion the safety and interest of the public require; and the boards of health and councils of municipal corporations, and the trustees of townships, shall, on application of the board of education of the district, provide at the public expense, without delay, the means of vaccination to such pupils as are not provided therewith by their parents or guardians. [69 v. 22, § 1.]

CHAPTER 8.

SCHOOL-HOUSES AND LIBRARIES.

SECTION	SECTION
3987. Boards to provide school-houses.	3997. How library tax to be expended.
3988. Directions for bidding and for letting contracts.	3998. Board may appoint librarian, etc.
3989. Erection of school-houses in joint sub-districts.	3999. In certain cities may appoint managers of library.
3990. When board may appropriate property.	4000. Board of Cleveland to appoint library committee.
3991. When and how question of tax levy submitted to voters.	4001. Powers and duties of such committee.
3992. If levy approved, board to certify it to auditor.	4002. How library tax to be expended.
3993. How the levy may be anticipated.	4003. Consolidation of libraries in Portsmouth authorized.
3994. Issue of bonds by boards of city districts of first class.	4004. Board of Portsmouth to appoint library committee.
3995. Certain boards may appropriate money for library, etc.	4005. Powers and duties of such committee.
3996. Levy for library in cities.	4006. How such library maintained and managed.

SCHOOL-HOUSES.

SECTION 3987. The board of education of any district is empowered to build, enlarge, repair, and furnish the necessary school-houses, purchase or lease sites therefor, or rent

Boards to provide school-houses.

CUSTODY OF SCHOOL-HOUSES.

SEC. 3987. School-houses, school-house sites, and other school property do not belong to the sub-districts in which they are located, but are the property of the township; and the township board of education, in their corporate capacity, have full power, within the limitations of the law, to control the same in such manner as they may think will best subserve the interests of education.

Directors have also a supervisory care of the school-house and other school property in their sub district, but their authority is *subordinate* to that of the township board, and must always be exercised in obedience to their directions.

Use of school houses.—It is the duty of the township board of education to exercise such supervision over the school-houses in the several sub-districts, as may be necessary to prevent their being used in such a manner and for such purposes as may interfere with their use for the legitimate and special purposes for which they were erected. But, when their use for school purposes is not interfered with, and the furniture, apparatus, books, and other property belonging to the school or the pupils are not destroyed or injured, the board may permit their application to any object of social or moral improvement which the directors or the inhabitants may sanction and desire.

Inhabitants of a school district have no right to use the school-house for religious meetings and Sunday-schools against the objection of any tax-payer of the district, even though the district may have voted to allow such use, and an injunction will be granted against such use, on the application of such tax-payer. [27 Conn., 499.]

The Supreme Court of Massachusetts held, in case of *George vs. School*

suitable school rooms, and make all other necessary provisions for the schools under its control; directors of sub-districts shall, under such rules and regulations as the township board of education may prescribe, provide fuel for schools, build, enlarge, repair, and furnish school-houses, purchase or lease sites therefor, rent school-houses, and make all other provisions necessary for the convenience and prosperity of the schools within their sub-districts; and the township board shall be held responsible, in its corporate capacity, for all contracts made by such directors, when they are made

District Mendon (6 Metcalf, 510), as follows: "If, under color of this corporate power of a school district, the inhabitants should vote to erect an expensive and ornamental building, with a view to improve the neighborhood, to enhance the value of real estate, to accommodate societies, lecturers, dramatic exhibitions, or even to have a convenient place for religious meetings or public worship, or for any other use than that of a district town school, it would not be within the legitimate authority of a school district, and any vote to levy a tax on the inhabitants for such a purpose would be void."

Where a township board has resolved to sell the old site of a sub-district school house, and has purchased a new site, and, notifying the local directors of the sub-district of their action in the premises, instructed them to sell the former, and to build a new school-house on the latter, and the local directors, disregarding such instructions, proceed to build a new school-house on the old site, and keep up a school therein—*Held*: That the local directors are guilty of such insubordination and neglect as to justify the township board in exercising the powers and duties which would otherwise devolve on the local directors, and in building a school-house on the new site, and employing a teacher therein; and such teacher is entitled to be paid his wages out of the township treasury, on the order of the township board. [*State vs. Lynch*, 8 O. S., 348.]

Under the act of March 14, 1853 (51 v. 429), a township board of education has the power to designate the particular place where school-houses in sub-districts shall be built; and the powers which, in this respect, the statute confers on the local directors of a sub-district, are to be exercised in subordination to the paramount authority of the township board of education. [*Hughes vs. Board of Education*, 13 O. S. 336.]

Liability of Directors for Illegal Contracts.—Unless authorized by resolution of the township board of education, directors, in contracting for the building of a school-house, can not exceed the appropriation made for that purpose without rendering themselves personally liable for such excess. Boards of education are not responsible for the illegal contracts of directors. If a board refuses to appropriate sufficient funds to build a good school-house, the directors may appeal to the county commissioners.

Reporting of Contracts.—Directors can not receive any portion of the school funds for disbursement, but, on the contrary, they are required to report all contracts for fuel, etc., to the township board for payment; and unless the township clerk is authorized by a rule of the board to draw the requisite orders for amounts certified by directors to be due on contracts legally made by them, such contracts can only be paid after they have been duly reported to the board and approved. (See Sec. 4047.)

in accordance with the rules and regulations of the township board, or any resolution thereof. [70 v. 195, § 55.]

SEC. 3988. When a board of education determines to build, enlarge, repair, or furnish a school-house or school-houses, or make any improvement or repair provided for in this chapter, the cost of which will exceed, in city districts of the first and second class, fifteen hundred dollars, and in other districts five hundred dollars, except in cases of urgent necessity, or for the security and protection of school property, it shall proceed as follows:

Directions for
bidding, and
for letting con-
tracts.

1. The board shall advertise for bids, for the period of four weeks, in some newspaper of general circulation in the district, and two such newspapers, if there are so many; and if no newspaper has a general circulation therein, then by posting such advertisements in three public places therein, which advertisements shall be entered in full by the clerk, on the record of the proceedings of the board.

2. The bids, duly sealed up, shall be filed with the clerk by twelve o'clock, noon, of the last day stated in the advertisement.

3. The bids shall be opened at the next meeting of the board, be publicly read by the clerk, and entered in full on the records of the board.

4. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid be accepted, a contract will be entered into, and the performance of it properly secured.

5. When both labor and materials are embraced in the work bid for, each must be separately stated in the bid, with the price thereof.

Ch. 8.

School-houses and Libraries.

6. None but the lowest responsible bid shall be accepted; but the board may, in its discretion, reject all the bids, or accept any bid for both labor and material which is the lowest in the aggregate for such improvement or repairs.

7. Any part of a bid which is lower than the same part of any other bid, shall be accepted, whether the residue of the bid is higher or not; and if it is higher, such residue shall be rejected.

8. The contract shall be between the board of education and the bidders; and the board shall pay the contract price for the work, when it is completed, in cash, and may pay monthly estimates as the work progresses.

9. When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between the makers thereof.

10. When there is reason to believe that there is any collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected. [70 v. 195, § 55.]

Erection of
school-houses
in joint sub-
districts.

SEC. 3989. When it becomes necessary to rebuild the school house of a joint sub-district, or, for the better accommodation of scholars, to change the school house site and erect a new building thereon, the question of such rebuilding, or of such change of site and erection of a new building, shall be determined by a majority vote of the board of directors of such sub-district, and in such manner as to secure the better accommodation of a majority of scholars in the same; any funds which may be or have been assessed and collected for the building of such school-house shall be transferred to the custody of the board of education of the township in which the new building is to be erected, which board shall

proceed in all matters connected with the erection of the building in accordance with the provisions of this chapter; and if the location be changed to another township, the personal property belonging to such sub-district shall be transferred to the board of education of such township; and any real property belonging thereto, and situate in the township from which the location is changed, shall be sold by the board of education of such township, and the proceeds of the sale transferred to the board of education of the township to which the location is changed. [72 v. 63, § 36.]

SEC. 3990. When it is necessary to procure or enlarge a school-house site, and the board of education and the owner of the proposed site or addition are unable from any cause to agree upon the sale and purchase thereof, the board shall make an accurate plat and description of the parcel of land which it desires for such purpose, and file the same with the probate judge of the proper county; and thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations. [70 v. 195, § 65.]

When boards
may appropri-
ate property.

SEC. 3991. When the board of education of any district, except a city district of the first class, determines that it is necessary, for the proper accommodation of the schools of such district, to purchase a site or sites, and erect a school-house or school-houses thereon, or to do either, and ascertains that the purchase of such site or sites, and the erection and furnishing of such school-house or school-houses, or either, will require a greater tax upon the property of such district than the board is authorized by this title to levy, and that to provide the means therefor it will be necessary to issue bonds, it shall make an estimate of the probable cost of such site or sites, and such school-house or school-houses,

When and how
question of tax
levy submitted
to voters.

or of either, and at a general election, or a special election called for that purpose, shall submit to the electors of the district the question of levying taxes for such purposes, or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site or sites, and the erection of such school house or school houses, or either, is raised ; and ten days' notice of such submission shall be given by the board, by posters put up in five of the most public places in the district, which shall state the time, place, and object of the election. [70 v. 241, § 61.]

If levy approved, board to certify it to auditor.

SEC. 3992. If a majority of the electors at such election vote in favor of levying taxes for such purposes, or either of them, of continuing the levy from year to year thereafter, and for the amount to be levied each year, the board shall certify the levy annually to the county auditor, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board are required to be placed thereon ; and when the district is divided by a county line, the levy shall be certified, collected, and paid in the manner provided in sections *thirty-nine hundred and sixty-one* and *thirty-nine hundred and sixty-two*, in the case of levies for joint sub-districts. [70 v. 195, § 62.]

How the levy may be anticipated.

SEC. 3993. To enable such board to anticipate the money to be raised it may borrow the sum of money necessary, not exceeding the amount so authorized to be levied, and issue bonds therefore, payable as indicated by the vote provided for in section *thirty-nine hundred and ninety-one*, after a certain day to be named therein, and bearing interest payable semi-annually, at a rate specified therein, not exceeding six per centum per annum ; the bonds shall be in such sums as the board may determine, be numbered consecutively,

made payable to the bearer, bear date the day of sale, and be signed by the board officially; the clerk of the board shall keep a record of the number, date, amount, and rate of interest of each bond sold, the sum for which and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times; and the bonds so issued shall in no case be sold for a less sum than their par value, nor bear interest until the purchase money for the same shall have been paid by the purchaser. [70 v. 195, § 63]

SEC. 3994. The board of education of any city district of the first class, except a district embracing a city of the first grade of the first class, may issue bonds to obtain or improve public school property, and in anticipation of income from taxes for such purpose, levied or to be levied, may, from time to time, as occasion requires, issue and sell bonds, under the restrictions and bearing a rate of interest specified in the preceding section, and pay such bonds and interest thereon when due, but shall so provide that no greater amount of such bonds shall be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue; but the order to issue such bonds shall be made only at a regular meeting of the board, and by a vote of a majority of all the members thereof, taken by yeas and nays, and entered on the journal of the board. [75 v. 526, § 56.]

Issue of bonds
by boards of
city districts of
first class.

LIBRARIES.

SEC. 3995. In any district the board of education may appropriate money from the contingent fund for the purchase of such books, other than school-books, as it may deem suitable for the use and improvement of the scholars and teachers of the district, and in the purchase of philosophical

Certain boards
may appropriate
money for
library, etc.

Ch. 8.

School-houses and Libraries.

or other apparatus for the demonstration of such branches of education as may be taught in the schools of the district, or for either of such purposes; but not more than one-half of the amount herein authorized to be appropriated shall be expended in the purchase of such apparatus; such appropriation shall not exceed, in any one year, three hundred dollars in city districts of the first class, one hundred and fifty dollars in city districts of the second class, and seventy-five dollars in other districts; and the books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education. [72 v. 29, § 51.]

Levy for library
in cities.

SEC. 3996. For the purpose of increasing and maintaining the school library of city districts, the board of education may levy annually a tax of one-tenth of one mill on the dollar valuation of the taxable property thereof, to be assessed, collected, and paid in the same manner as are other school taxes of such districts. [64 v. 62, § 1.]

How library
tax to be ex-
pended.

SEC. 3997. The amount of such tax, when collected, shall be expended, under the direction of the board, for the purchase of such books as are suitable for public school libraries, the bills for which, with the attendant expenses, shall be certified by the president and clerk, and paid by the treasurer of the school funds. [64 v. 62, § 2.]

Board may ap-
point librarian
etc.

SEC. 3998. The board may appoint a librarian, fix his compensation, and make all needful rules and regulations for the management of the library, to which every family resident in such city districts shall have access. [64 v. 62, § 3.]

SEC. 3999. In cities not having less than twenty thousand inhabitants, the board of education having custody of any public library therein may, at any regular meeting,

adopt a resolution providing for a board of managers of such library, and shall thereupon elect, by ballot, two persons to serve as members of such board for a term of three years, two persons to serve for a term of two years, and two persons to serve for a term of one year; and annually thereafter two persons shall be elected to serve for a term of three years; all vacancies in such board shall be filled by the board of education by ballot, and a person so elected shall serve during the unexpired term of his predecessor; the president of the board of education shall be a member of the board of managers ex-officio; and the board of managers shall at all times be amenable to and under the control of the board of education, as to tenure of office and authority, and shall serve without compensation. [64 v. 100, § 1.]

SEC. 4000. The board of education of the city of Cleveland shall, at its first regular meeting after the second Monday in April, 1880, and every two years thereafter, elect, by ballot, not less than three nor more than seven suitable persons, residents of said city, but other than the members of the board, who shall be known as the library committee of the city, and shall hold office for the period of two years from such election, and until their successors are elected, and without compensation. [75 v. 101, § 1.]

Board of Cleveland to appoint library committee.

SEC. 4001. Such committee shall report, in writing, to the board of education, at least once each year, and oftener if required by the board, and shall have entire charge and control of the school library in the city, and shall have full power to make all rules and regulations for the government and regulation thereof, to employ a librarian, and such assistants and help as may be needed, for the care and protection of the library, and to attend to the drawing and return of books; but the salary of such librarian, and the rate

Powers and duties of such committee.

of compensation of such assistants and help, shall be fixed by the board of education, [committee] by resolution, prior to such employment. [76 v. 50, §2.]

Library tax,
and how to be
expended.

SEC. 4002. For the purpose of increasing and maintaining the school library in said city, and the territory thereto attached for school purposes, such library committee may levy annually a tax of two and one-half tenths mills on the dollar valuation of the taxable property of the city, and the territory thereto attached for school purposes, to be assessed, collected, and paid in the same manner as are the school taxes of the city; all money appropriated or collected by tax for the library shall be expended under the direction of the library committee, in the purchase of such books, pamphlets, papers, magazines, periodicals, and journals, as may be deemed suitable for the public school library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining the library; and the bills and pay-rolls for such expenditures shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of the city from such library fund. [76 v. 50, § 3.]

Consolidation of
libraries in
Portsmouth au-
thorized.

SEC. 4003. In all cities which at the last federal census had, or at any subsequent federal census may have, a population of ten thousand five hundred and ninety-two, it shall be lawful to merge any public library therein heretofore established with any other library or reading-room therein existing; but the library formed by such consolidation shall be kept open for the use of the public at all reasonable hours. [75 v. 541, § 1; 76 v. 27, § 1.]

SEC. 4004. The board of education of every such city shall, at its first regular meeting after the second Monday in

June, 1879, elect by ballot three suitable persons, residents of the city, but other than members of such board, who shall be known as the library committee of the city, one to serve for one year, one for two years, and one for three years, and until their successors are duly elected and qualified, and shall, annually thereafter, elect in like manner one person with the same qualifications, to serve for three years, and until his successor is elected and qualified; and any vacancy in such committee shall be filled for the unexpired term at the first regular meeting of the board held after the same occurs. [75 v. 541, § 2; 76 v. 97, § 2.]

Board of Portsmouth to appoint library committee.

SEC. 4005. Such committee shall report in writing to the board of education at least once each year, and oftener if required by the board, and shall have entire charge and control of the school library in the city, with full power to make all rules and regulations, for the government and regulation thereof, to employ a librarian, and such assistants and help as may be needed for its care and protection, and to require of the librarian such bond as they may deem proper for the faithful performance of his duties, and to attend to the drawing and return of books; but the salary of such librarian, and the rate of compensation of such assistants and help, shall be fixed by resolution prior to such employment. [76 v. 97, § 3.]

Powers and duties of such committee.

SEC. 4006. For the purpose of increasing and maintaining the school library in any such city, and the territory thereto attached for school purposes, such committee may annually levy a tax of one-tenth of one mill on the dollar valuation of the taxable property of the city and the territory thereto attached for school purposes, to be assessed, collected, and paid in the same manner as are the school taxes of the city; all money appropriated or collected

How such library maintained and managed.

Ch. 9.

Schools, and Attendance Enforced.

by taxation for such library shall be expended, under the direction of such committee, in the purchase of such books, pamphlets, papers, magazines, periodicals, and journals as may be deemed suitable for the public library, and in payment of all other costs and charges, including the salaries of the librarian and assistants, that may be incurred in maintaining the library; and the bills and pay-rolls for such expenditures shall, upon the order of the library committee, be certified by the chairman and secretary of such committee, and paid by the treasurer of the city from the library fund. [75 v. 541, § 2; 76 v. 97, § 4.]

CHAPTER 9.

SCHOOLS, AND ATTENDANCE ENFORCED.

SECTION	SECTION
4007. Sufficient schools must be provided.	4019. Teacher dismissed for insufficient cause may institute suit.
4008. Schools for colored children.	4020. Board to determine studies and text-books.
4009. Schools of higher grade than primary.	4021. When German language to be taught, etc.
4010. Schools at "children's homes" and county infirmaries.	4022. Pupils may be sent from one district to another.
4011. Youth may be sent to charity school at Zanesville.	4023. Children must attend school.
4012. Evening schools.	4024. Unlawful to employ children who have not attended school.
4013. Who may be admitted to public schools.	4025. Boards to ascertain condition of children not at school.
4014. Suspension and expulsion of pupils.	4026. When board may supply pupil with books.
4015. Teachers may dismiss schools on holidays.	4027. Penalties against violation of preceding provisions.
4016. School year, month, and week.	4028. Clerks must prosecute.
4017. Board to control schools, and appoint officers.	4029. What is equivalent to attendance on day school.
4018. Directors to employ, pay, and dismiss teachers.	

SCHOOLS.

SEC. 4007. Each board of education shall establish a sufficient number of schools to provide for the free education of the youth of school age within the district under its con-

Sufficient schools must be provided.

trol, at such places as will be most convenient for the attendance of the largest number of such youth, and shall continue each and every day school so established not less than twenty-four nor more than forty-four weeks in each school year; and each township board of education shall establish at least one primary school in each sub-district under its control. [75 v. 513, § 50.]

SEC. 4008. When, in the judgment of the board, it will be for the advantage of the district to do so, it may organize separate schools for colored children; and boards of two or more adjoining districts may unite in a separate school for colored children, each board to bear its proportionate share of the expense of such school, according to the number of colored children from each district in the school, which shall be under the control of the board of education of the district in which the school-house is situate. [75 v. 513, § 50.]

Schools for
colored chil-
dren.

SEC. 4009. Any board of education may establish one or more schools of higher grade than the primary schools, whenever it deems the establishment of such school or schools proper or necessary for the convenience or progress of the pupils attending the same, or for the conduct and welfare of the educational interests of the district. [75 v. 513, § 50.]

Schools of high-
er grade than
primary.

SEC. 4010. The board of any district in which a chil-

SEC. 4008. A school established for colored children in a township has no directors, but is under the immediate control of the township board.

The act of March 14, 1853 (51 v. 429), as amended March 18, 1864 (61 v. 31), authorizing the classification of school youth on the basis of color, does not contravene the constitution of the state nor the fourteenth amendment of the constitution of the United States; and colored children residing in either of the districts for white children which have united in constructing a joint district for the education of colored children are not, as of right, entitled to admission into the schools for white children. [*State vs. McCann*, 21 O. S., 195.]

TEACHERS IN CHILDRENS' HOMES.

SEC. 4010. Teachers in childrens' homes, orphan asylums, and county infirmaries in which schools have been established under the provisions of this section, must obtain certificates of qualifications from the county board of examiners.

Ch. 9.

Schools, and Attendance Enforced.

Schools at
"children's
homes," or-
phans' asylums,
and county in-
firmaries.

dren's home or orphans' asylum is or may be established by law, or in which a county infirmery is or may be established, shall, when requested by the board of trustees of such children's home or orphans' asylum, or the directors of such infirmery, establish in such home, asylum, or infirmery a separate school, so as to afford to the children therein, as far as practicable, the advantages and privileges of a common school education; such schools at infirmaries shall be continued in operation each year until the full share of all the school funds of the district belonging to such children, on the basis of the enumeration, is expended, and at such homes or asylums not less than forty-four weeks; if the distributive share of school funds to which such school at any such home or asylum is entitled, by the enumeration of children in the institution, is not sufficient to continue the school the length of time hereby required, the deficiency shall be paid out of the funds of the institution; all schools so established shall be under the control and management of the board of education or other school officers who have charge of the common schools of such district; in the establishment of such schools the commissioners of the county in which such children's home, orphans' asylum, or county infirmery is established shall provide the necessary school room or rooms, furniture, apparatus, and books, the cost of which furniture, apparatus, and books, for such homes and asylums, shall be paid out of the funds provided for the institutions; and the board of education shall incur no expense in supporting the schools, except in the payment of teachers. [75 v. 513, § 50; 76 v. 75, § 1.]

Youth may be
sent to charity
school at Zanes-
ville.

SEC. 4011. The board of education of the city of Zanesville may contract with the trustees having the management of any fund which has been provided by gift, devise, or be-

quest for the establishment or support of a school or schools for poor children therein, for the admission to any such school of children resident in the city, and pay to such trustees, out of the school funds under its control, such tuition fee as may be agreed upon for each scholar so admitted, but not entitled to admission according to the terms of such gift, devise, or bequest, and also provide for such right of visitation or control of such school or schools by the board as may be agreed upon; such school or schools shall be kept; at the least, equal in grade and efficiency to the corresponding public schools of the state, and every such contract shall expire in three years from the time of its execution, unless renewed or extended by agreement; but this section shall in no manner apply to any school or schools supported or controlled by any church, congregation, sect, or religious denomination or association of any kind. [75 v. 530, § 1.]

SEC. 4012. In any district composed, in whole or in part, of a city or village, the board may, at its discretion, provide a suitable number of evening schools for the instruction of such youth as are prevented by their daily vocation from attending day schools, subject to such regulations as the board may, from time to time, adopt for the government thereof. [72 v. 29, § 51.]

Evening
schools.

SEC. 4013. The schools of each district shall be free to all youth between six and twenty-one years of age who are children, wards, or apprentices of actual residents of the district; each board of education may admit other persons, not

Who may be
admitted to
public schools.

SEC. 4013. The children, inmates of the German Protestant Asylum, of Cincinnati, are not "children, wards, or apprentices of actual residents" in the school district within which said asylum is located, and, therefore, under the act of February 21, 1849 (2 Curwen, 1471), are not entitled to gratuitous admission to the privileges of the public schools of said district. *State v. School Directors*, 10 O. S., 44.

under six years of age, upon such terms, or upon the payment of such tuition, as it may prescribe; boards of city, village, or special districts may admit also, without charge for tuition, persons within the school age who are members of the family of any freeholder whose residence is not within such district, if any part of such freeholder's homestead is within such district; and the several boards shall make such assignment of the youth of their respective districts, to the schools established by them, as will, in their opinion, best promote the interests of education in their districts. [70 v. 195. § 71.]

suspension and
expulsion of
pupils.

SEC. 4014. No pupil shall be suspended from school by a superintendent or teacher except for such time as may be necessary to convene the board of education of the district or the directors of the sub district, and no pupil shall be expelled except by a vote of two-thirds of such board or directors, and not until the parent or guardian of the offending pupil has been notified of the proposed expulsion, and permitted to be heard against the same; and no scholar shall be suspended or expelled from any school beyond the current term thereof. [70 v. 195, § 71.]

teachers may
dismiss school
on holidays.

SEC. 4015. Teachers employed in the common schools may dismiss their schools, without forfeiture of pay, on New Year's day, the Fourth of July, and Christmas, and on any

SUSPENSION AND EXPULSION.

SEC. 4014. This right of suspension or expulsion is one which needs to be carefully guarded.

The true motto is to bring in, not to drive out; but there are cases where, to protect the rights of the many, it is necessary to expel a pupil.

We would not hesitate to exclude from the schools a pupil affected with a contagious disease. Gross immorality is both contagious and infectious.

The father of a child entitled to the benefits of the public school of the sub-district of his residence, may maintain an action against the teacher of the school and the directors of the sub-district, for damages for wrongfully expelling the child from school. *Roe v. Deming, et al.*, 21 O. S., 666.

day set apart by proclamation of the president of the United States, or the governor of Ohio, as a day of fast or thanksgiving. [70 v. 195, § 116.]

SEC. 4016. The school year shall begin on the first day of September of each year, and close on the thirty-first day of August of the succeeding year; and a school week shall consist of five days, and a school month of four school weeks. [70 v. 215, § 70; 72 v. 181, § 6.]

School year,
month, and
week.

SEC. 4017. The board of education of each district shall have the management and control of the public schools of the district, with full power, subject to the provisions of the

Board to con-
trol schools and
appoint officers.

DISMISSAL OF TEACHER.

SEC. 4017. The dissatisfaction of scholars and parents is no cause for the dismissal of a teacher. [28 Vermont, 575.]

CORPORAL PUNISHMENT.

Questions are so often asked concerning the right of a teacher to inflict corporal punishment, that the quotation of a few authorities seems in place, though there is not room for a full discussion of the topic.

Hathaway v. Rice, 19 Vt. 103. "The right of a school master to correct his scholars has always been practically and judicially sanctioned, but the chastisement must not exceed the limits of moderate correction; and though courts are bound, with a view to the maintenance of necessary order and decorum in schools, to look with all reasonable indulgence upon the exercise of this right, yet, whenever the correction shall appear to have been clearly excessive and cruel, it must be adjudged illegal."

Cooper v. McJunkin, 4 Ind. 290. "A teacher, in the exercise of the power of corporal punishment, must not make such power a pretext for cruelty and oppression; but the cause must be sufficient, the instrument suitable, and the manner and extent of the correction, the part of the person to which it is applied, and the temper in which it is inflicted, should be distinguished with the kindness, prudence, and propriety which become the station."

"*Leeves' Domestic Relations*," page 534. "The school-master has a right to give moderate corporal correction to his pupils for disobedience to his lawful commands, negligence, or for insolent conduct. A school-master, in his own right, and not by delegation, possesses this power."

State v. Pendergrass, 2 Devereaux & Battles, 365. "The law confides to school-masters and teachers a discretionary power in the infliction of corporal punishment upon their pupils, and will not hold them responsible criminally, unless the punishment be such as to occasion permanent injury to the child, or be inflicted merely to gratify their own evil passions." In passing this topic, the language of Judge Gaston seems peculiarly appropriate. "It is not easy to state with precision, the power which the law grants to school-masters and teachers, with respect to the correction of their pupils. It is analogous to that which belongs to parents, and the authority of the teacher is regarded as a delegation of parental authority. One of the most sacred duties of parents is to raise up

next section, to appoint a superintendent and assistant superintendents of the schools, a superintendent of buildings, and teachers, janitors, and other employ  s, and fix

and qualify their children for becoming useful and virtuous members of society; this duty cannot be effectually performed without the ability to command obedience, to control stubbornness, to quicken diligence, and to reform bad habits; and to enable him to exercise their salutary sway, he is armed with the power to administer moderate correction, when he shall believe it to be just and necessary."

32 *Vermont*, 114. *First*. Though a school-master has, in general, no right to punish a pupil for misconduct committed after the dismissal of school for the day and the return of the pupil to his home, yet he may, on the pupil's return to school, punish him for any misbehavior, though committed out of school, which has a direct or immediate tendency to injure the school and to subvert the master's authority.

Second. A school-master is not relieved from liability in damages for the punishment of a scholar which is *clearly* excessive and unnecessary, by the fact that he acted in good faith and without malice, honestly thinking that the punishment was necessary, both for the discipline of the school and the welfare of the scholar.

If there is any reasonable doubt whether the punishment was excessive, the teacher should have the benefit of the doubt. *Lander vs. Seaver*, 32 *Vt. R.*, 123; *Wharton's American Crim. Law*, 1259; and 1 *Sanders on Pl and Ev.*, 144.)

Whether under the facts the punishment is excessive, must be left to the jury to decide. (*Commonwealth of Mass. vs. Randall*, 4 *Gray*, 38.)

In the case of *Martin Quinn vs. Mary D. Nolan*, a suit tried in the Superior Court of Cincinnati, Judge Harmon, in charging the jury, used the following language:

If the jury should find the defendant did not, in view of all the circumstances, inflict a greater degree of punishment upon the plaintiff's son than she was fairly entitled to do, and was proper, of course they must find for defendant. But, if they should find she did go beyond that, then it would be necessary to go further and inquire into the damages that should be allowed. The law holds a person responsible only for the natural and ordinary consequences of his acts, those consequences which the law presumes he might or should have foreseen at the time he committed the act. Therefore it might make a difference in the amount of their finding if it should appear that the child was afflicted with or predisposed to certain diseases, and the defendant had no notice thereof from his parents, the boy himself, his appearance, or otherwise. If the defendant, from the knowledge she had of the boy and from his appearance, would be justified in supposing him to be like other boys of his age, and inflicted only a proper punishment, then she would not be liable at all, even though unfortunately some hidden defect in the boy's constitution should cause injury to his health to follow. Or if they should find for the plaintiff this fact of ignorance on her part would prevent her from being liable for any consequence arising from such weakness or predisposition in the boy, of which she was ignorant in fact, and of which his appearance furnished no warning. It is the duty of parents who send their children to school, whose health or disposition would render the punishment permitted by the rules of the school dangerous or improper, to see the teacher is informed of the fact.

Boards of education are authorized to adopt and enforce necessary rules and regulations for the government of schools under their management and control. *Sewell v. Board of Education*. [29 *v.* 89]

When instruction in rhetoric is given in any grade or department of a school, and one of the rules adopted by the board for the government of the pupils therein provided that if any pupil should fail to be prepared with a

their salaries or pay, which salaries or pay shall not be either increased or diminished during the term for which the appointment is made; but no person shall be appointed for a longer time than that for which a member of the board is elected; and such board may dismiss any appointee for inefficiency, neglect of duty, immorality, or improper conduct. [70 v. 195, § 53.]

SEC. 4018. In township districts the directors shall employ and for sufficient cause dismiss, the teachers of the schools in their respective sub-districts, and shall fix their salaries or pay, which salaries or pay may be increased but not diminished in amount by the township board, and shall not exceed in the aggregate, in any year, for any sub-district, the amount of money to which the sub-district is entitled for the purpose of tuition for such year; if the directors of any sub-district fail to employ a teacher for their school, the township board shall employ such teacher, and fix the salary to be paid; and the directors, at the end of any month, or at the end of the term, shall give to the teachers employed by them certificates of such employment, and of services rendered, addressed to the township clerk, who, upon presentation thereof, and compliance by such teachers with the provisions of section *forty hundred and fifty one*, shall draw orders on the township treasurer for the amounts

Directors, to
employ, pay
and dismiss
teachers.

retorical exercise, at the time appointed therefor, he or she should, unless excused on account of sickness, or other reasonable cause, be immediately expelled from such department: *held*, that such rule was reasonable *Ib*.

Where the teacher of such department, with the consent of the board, for a failure to comply with the rule, or to offer any excuse therefor, suspended a pupil until he should comply with the rule, or offer a reasonable excuse for his non-compliance, neither the board of education nor the teacher is liable in damages therefor. *Ib*.

SEC. 4018. The dismissal is "business" and must be transacted at a meeting, as set forth in section 3918, and the reasons therefor must be spread upon the minutes. They must be a "sufficient cause."

certified to be due, in favor of the parties entitled thereto, and the treasurer shall pay the same. [70 v. 195, § 53.]

Teacher dismissed for insufficient cause may institute suit.

SEC. 4019. If the directors of any sub-district dismiss any teacher for any frivolous or insufficient reason, such teacher may bring suit against such sub-district, and if, on the trial of the cause, a judgment be obtained against the sub-district, the directors thereof shall certify to the clerk of the board the sum so found due, who shall issue an order upon the township treasurer, to the person entitled thereto, to pay the same out of any money in his hands belonging

SEC. 4018. Under the act of May 1, 1873 (70 v. 195), the local directors of township sub-districts have no power to delegate the employment of teachers to any other person, nor to provide for their payment except as provided in section 53 of that act; and a contract with a teacher that he shall employ an assistant, if one be necessary, is illegal and void (*State v. Williams*, 29 O. S. 161; but where the local directors employed a teacher, and fixed his salary at \$125 per month in case he alone should be able to teach the school to their satisfaction, otherwise the teacher to employ and pay an assistant, and such teacher performed the service under his employment, without the aid of an assistant, to the satisfaction of the directors, who certified to the township clerk the amount due to the teacher under the contract. *Held*: That the township clerk can not justify his refusal to draw an order on the township treasurer for the amount certified, on the ground that the contract under which the service was performed was against public policy, and void *State v. Williams. Ib.*

A township board, supposing that local directors were neglecting their duties under the provisions of the act of March 14, 1853 (51 v. 429), employed a teacher for a sub-district, who, without being notified by the local directors to desist, taught the school for three months, and received an order on the township treasurer for his wages. *Held*, that the treasurer could not rightfully withhold payment of the order upon the ground that the directors had not been neglectful of their duties, and that the exercise thereof by the board of education was unwarranted by the facts of the case. *Case v. Wresler*, 4 O. S. 561.

Under the act of March 14, 1853 (51 v. 429), where a township board entered an order that teachers should not be employed at a greater compensation than twenty dollars per month, and the local directors employed a teacher at thirty dollars per month, and certified the amount due him for his services at that rate, to the township clerk, it became the duty of the township clerk to draw an order in conformity with such certificate of the local directors. *State v. Wilcox*, 11 O. S., 326.

Dismissal of Teacher.—The directors may dismiss a teacher for sufficient cause, as incompetency, negligence, immorality. In case the teacher bring suit, as he may, his certificate is only *prima facie* evidence of competency and character, and may be overbalanced by proof.

Wages of Teacher.—If the sub-district's share of the state fund, increased by the amount apportioned for tuition by the township board, is not sufficient to continue the school at least six months, the directors should appeal to the county commissioners.

Payment.—Upon making out a monthly report and presenting it to the clerk along with a certificate of service from the directors, and his certificate from the county examiners, or a copy thereof, a teacher may draw his salary monthly. (See sec. 4051.)

to such sub district, and applicable to the payment of teachers; and in such suits process may be served on the clerk of the sub-district, and service upon him shall be sufficient. [76 v. 58, § 1.]

SEC. 4020. Each board shall determine, at a regular meeting, by an affirmative vote of a majority of all its members, the studies to be pursued and the text-books to be used in the schools under its control, but no text-book shall be changed within three years after its adoption without the consent of three-fourths of all the members elected to the board, given at a regular meeting; and all branches shall be taught in the English language. [70 v. 195, § 52.]

Board to determine studies and text books.

COURSE OF STUDY.

SEC. 4020. The general course of study should be prescribed by the board of education, but the studies to be pursued and the lessons to be prepared by each pupil should be left to the teachers or superintendent. The right to lay down a course of study certainly carries with it the right to require pupils to pursue that course. Success requires classification and system.

The constitution of the state does not enjoin or require religious instruction, or the reading of religious books, in the public schools of the

The legislature having placed the management of the public schools under the exclusive control of directors, trustees, and boards of education, the courts have no rightful authority to interfere by directing what instruction shall be given, or what books shall be read therein. *Ib.* 211. state. *Board of Education of Cincinnati v. Minor, et al.*, 23 O. S., 211.

If it is not conceded, it must be conceded that the legislature has never passed any law enjoining or requiring religious instruction in the public schools, or giving the courts power in any manner, or to any extent, to direct or determine the particular branches of learning to be taught therein, or to enforce instructions in any particular branch or branches. The extent of legislative action, either under the present constitution or under that of 1802, which contained a provision quite similar to the present, has been, to establish and maintain a general system of common schools for the state, and to place their management and control *exclusively* in the hands of directors, trustees, or boards of education, other than the courts of the state.

The laws establishing this system date back to 1825, and form an important part of the legislation of the state.

They have from time to time been changed, amended, repealed, and re-enacted. While these laws do refer to other branches of learning in the schools, they nowhere enjoin or speak of religious instruction therein. They speak of the "morals" and "good conduct" of the pupils, and of the "moral character" of the teachers, but they nowhere require the pupil to be taught religion, or the pupil to be religious. Much less do they require this to be done against the will of the people interested. (Per Welch, J. *Ib.* 241.)

Every board of education should perform this plainly specified duty

Ch. 9.

Schools, and Attendance Enforced.

When German language to be taught, etc.

SEC. 4021. The board of any district shall cause the German language to be taught in any school under its control, during any school year, when a demand therefor is made, in writing, by seventy-five freeholders resident of the district, representing not less than forty pupils who are entitled to attend such school, and who, in good faith, desire and intend to study the German and English languages together; but such demand shall be made at a regular meeting of the board, and prior to the beginning of such school year; and any board may cause the German or other language to be taught in any school under its control, without such demand. [70 v. 195, § 52.]

Pupils may be sent from one district to another.

SEC. 4022. The board of any district may contract with the board of any other district for the admission of pupils into any school in such other district, on such terms as may

of selecting a course of study and the text-books to be used, and of enforcing their will in this regard.

The state, since it generously contributes toward the support of the schools of a district, has the right to insist that the officers who represent the district shall do what the law requires of them.

These acts may be regarded as conditions precedent to the payment of the district's share of the state funds.

The state, as one of the prime factors in the common school system, is interested in the best results possible from every teacher in the service.

These results can not be obtained from schools trammelled with a multiplicity of text-books and without proper classification.

SEC. 4021. The law plainly contemplates English schools, though it allows the teaching of other languages as such, and upon the performance of certain named conditions requires the board to have the German language taught.

While it is natural that persons of foreign birth should desire their children to learn the tongue of the mother land, it is wise policy for the state to provide that all children in the public schools shall learn the language of this country.

SEC. 4022. Children admitted to school privileges in districts other than those in which their parents or guardians reside, gain no rights but those granted in the contract under which they are admitted; they should be enumerated in the district or sub-district in which they have a legal residence, and their share of the state fund belongs that district; of course their parents do not become electors in the district to which they are admitted.

Tuition of non-resident pupils.—Money received for the tuition of non-resident pupils in any district, must be paid to the treasurer, to be placed to the credit of the district, and disbursed on the order of the board of education.

Directors and members of boards of education can not receive and disburse such tuition money, neither can they authorize teachers or superintendents to receive and disburse it.

be agreed upon by such boards ; and the expense so incurred shall be paid out of the school funds of the district sending such pupils. [73 v. 243, § 64.]

ATTENDANCE ENFORCED.

SEC. 4023. Every parent, guardian, or other person having charge or control of any child between the ages of eight and fourteen years, shall be required to send such child to a common school for at least twelve weeks in each school year, at least six weeks of which shall be consecutive, unless the board of education, or the board of directors, as the case may be, having control of the school district or sub-district in which such parent or guardian resides, excuse such child from attendance, when it appears to the satisfaction of such board that the child's bodily or mental condition is such as to prevent its attendance at school, or application to study, for the time required, or that its time and labor are essentially necessary for the support of an indigent parent, brother, or sister, or that it is being otherwise furnished with the means of education for a like period of time, or has already acquired branches of learning ordinarily taught in common schools ; but if the common school of the district or sub-district in which such parent or guardian resides is distant two miles from his residence by the nearest traveled road, he shall not be liable to the provisions of this section, and the subsequent sections of this chapter. [74 v. 57, § 1.]

Children must attend school.

SEC. 4024. No manufacturer, owner of mills or mines, agent, overseer, contractor, landlord, or other person, shall employ any child under fourteen years of age during the established school hours of the locality, who has resided in this state during the school year next preceding the commencement of such employment, and is under the control of a parent or guardian, and is not dependent upon its own re-

Unlawful to employ children who have not attended school.

sources for support, unless such child has attended some common or private school for the term of at least twelve weeks during the school year next preceding the commencement of such employment, and delivers to its employer a certificate of that fact from the clerk of a board of education, or the clerk of a board of directors, or the teacher of the school which it attended; nor shall such employment continue for a longer period than forty weeks during any school year from the time this act takes effect, unless such child deliver to such employer a certificate of excuse from the proper authority, for any of the reasons mentioned in the preceding section. [74 v. 57, § 2.]

Boards to ascertain condition of children not at school.

SEC. 4025. Each board of education shall ascertain, on the second Monday of February and the second Monday of September, or within fifteen days thereafter, each year, in such manner as it may deem most expedient, the condition of all children under fourteen years of age within its jurisdiction employed at any daily labor, or who are not in attendance at any common or private school, and shall report all violations of this chapter to its clerk, who shall at once proceed to prosecute each and every such offense. [74 v. 57, § 3.]

When board may supply pupil with books.

SEC. 4026. If it be shown to the satisfaction of the board of education that the parent or guardian has not the means wherewith to purchase for his child or children the necessary school-books to enable him to comply with the requirements of this chapter, the board may furnish the same, free of charge, to be paid for out of the contingent fund at the disposal of the board. [74 v. 57, § 4.]

Penalties against violation of preceding provisions.

SEC. 4027. A parent, guardian, or other person, who fails to comply with the provisions of this chapter, shall be liable to a fine of not less than two nor more than five dol-

lars for the first offense, nor less than five nor more than ten dollars for each subsequent offense; such fine shall be collected by the clerk of the board of education, in the name of the state, in an action before any court having competent jurisdiction; and the money so collected by each clerk shall be paid to the county treasurer, and be applied to the use of the common schools of his district. [74 v. 57, § 5.]

SEC. 4028. The clerk of the board of education shall prosecute every offense against the provisions of this chapter, when a member of the board of education, or any tax-payer, of the district in which the offending party resides, files with him an affidavit setting forth the facts which constitute the offense; and if he neglect to do so within fifteen days after such affidavit is filed, he shall be liable to a fine of not less than ten nor more than twenty dollars for each case of such neglect, to be collected in the name of the state, in an action before any court of competent jurisdiction, by any person feeling aggrieved thereby. [74 v. 57, § 6.]

Clerks must prosecute.

SEC. 4029. Two weeks' attendance at half-time or night school, shall be considered, within the meaning of this chapter, equivalent to an attendance of one week at a day school. [74 v. 57, § 7.]

What is equivalent to attendance on day school.

COMPULSORY ATTENDANCE.

It is much to be desired that boards of education will accept the aid proffered them in these sections, and aim to secure the fullest possible attendance upon school of the children of school age.

Our people are Falstaffian enough to be unwilling to do things "on compulsion," yet they have yielded some points—paying taxes for instance—and it is very probable that the provisions of this chapter, wisely carried out, would send to school many little boys and girls now allowed to run the streets and alleys, and by making attainments in lawlessness, thus to fit themselves for efficient service as enemies of society.

Can not our boards send into each ward of their cities a missionary committee with this law in one hand, and the gospel of love and patriotism and christianity in the other, extending the latter first?

CHAPTER 10.

ENUMERATION, TREASURER, AND CLERK.

SECTION	SECTION
4030. Yearly enumeration of youth to be taken.	4044. Annual settlement by treasurer with county auditor.
4031. Qualification and pay of those taking the same.	4045. Penalty for failure to make such settlement.
4032. Clerk, except in township districts, to employ persons to take it.	4046. Treasurer to report balances to board.
4033. Clerk of board of directors to take it in sub-districts.	4047. When treasurer may receive or pay money.
4034. Enumeration in joint sub-districts.	4048. Maximum amount of funds which treasurer may hold.
4035. Clerk to transmit abstract to county auditor.	4049. Treasurer to deliver money, etc., to successor.
4036. When the clerk fails, auditor to act.	4050. Bond of clerk.
4037. When county line divides original surveyed township.	4051. When orders of clerk for teachers' pay illegal.
4038. When enumeration not taken, district not entitled to schools funds.	4052. Duties of clerk as to statistics, etc.
4039. Auditor to furnish abstract to state commissioner.	4053. Publication of receipts and disbursements by clerk.
4040. Duty of state commissioner when enumeration excessive, etc.	4054. Clerk to deliver books, etc., to successor.
4041. Penalty for making fraudulent returns.	4055. How treasurer and clerk to keep accounts.
4042. Who to be treasurer of school funds.	4056. Compensation of treasurer and clerk.
4043. Bond of treasurer, and duties of board in reference thereto.	

ENUMERATION.

Yearly enumeration of youth to be taken.

SEC. 4030. There shall be taken in each district, annually, between the first Monday in September and first Monday in October, an enumeration of all unmarried youth, noting race and sex, between six and twenty-one years of age, resident within the district, and not temporarily there, designating also the number between sixteen and twenty-

ENUMERATION.

SEC. 4030. The annual enumeration should include all unmarried youth between the ages of six and twenty-one years, who at the time of taking such enumeration, actually *dwelt* or *have their home* in the district, whether such youth constitute a part of the family of their parents or guardians, or are, in good faith and for a continuance of time, hired to labor or service in a family actually residing in such district. The fact that a youth is living in a resident family not temporarily, but is treated and regarded as a *part of such family*, makes such youth a resident.

It, however, a youth is staying temporarily in a district as a *boarder* or *visitor*, or is a member of a family temporarily in the district and whose

one years of age, the number residing in the Western Reserve, the Virginia Military District, the United States Military District, and in any original surveyed township or fractional township to which belongs section sixteen, or other land in lieu thereof, or any other lands for the use of public schools, or any interest in the proceeds of such lands. [71 v. 15, § 77.]

SEC. 4031. Each person required or employed under this chapter to take such enumeration shall take an oath or affirmation to take the same accurately and truly, to the best of his skill and ability; when making return thereof to the proper officers he shall accompany the same by his affidavit, duly certified, that he has taken and returned the enumeration accurately and truly, to the best of his knowledge and belief; the officer to whom such return is required to be made may administer such oath or affirmation, and take and certify such affidavit; and each person so taking and returning the enumeration shall be allowed, by the proper board of education, reasonable compensation for his services, which, in sub-districts, shall not exceed two dollars for each person authorized, required, or appointed to perform the service. [71 v. 15, § 77.]

Qualification
and pay of those
taking the
same.

SEC. 4032. The clerk of the board of education of each district, other than township districts, shall employ a suffi-

Clerk, except in
township dis-
tricts, to em-
ploy persons to
take it.

actual residence is in another district, such youth can not be legally enumerated. But the temporary residence of a family in a district, if such family have at the time no other residence, does not exclude the children actually living in and belonging to such family from the enumeration.

A youth can be legally enumerated in but one district, and that is the district in which he actually resides.

All children that may be legally included in the annual enumeration of any school district, are entitled to attend the school in such district.

SEC. 4031. It will be observed that each person taking the enumeration must be sworn to take it accurately, and must also accompany the return by his affidavit that he has so taken it.

Pay for taking Enumeration.—The clerk of the sub-district is entitled to pay for taking and returning the enumeration, but such pay must not exceed two dollars.

Ch. 10.

Enumeration, Treasurer, and Clerk.

cient number of competent persons to take and return to him the enumeration of his district, in the manner prescribed in this chapter. [70 v. 195, § 78.]

Clerk of board
of directors to
take it in sub-
districts.

SEC. 4033. The director who is clerk in each sub-district shall take, or cause to be taken, annually, according to the provisions of this chapter, between the first and the third Monday in September, an enumeration of youth resident within his sub-district, and return a certified copy thereof to the clerk of the township board of education; if any such director fail to perform such duty, the clerk of the township board shall employ a competent person to take and return the enumeration, give him an order on the treasurer of the board for his compensation, payable from the contingent fund, and proceed to recover the amount so paid, in a civil action, before any court having jurisdiction of the matter, in the name of the state, against such director; and the money so collected shall be paid to the treasurer of the board, and credited to the contingent fund; but in a township district which is not divided into sub-districts, the president of the board shall take and return the enumeration, or cause the same to be done. [70 v. 195, § 33.]

Enumeration in
joint sub-dis-
tricts.

SEC. 4034. The enumeration of a joint sub-district shall be taken by the clerk of the board of directors, who shall transmit a certified copy thereof to the clerk of the board of education of the district in which the school house of the sub-district is situate, and designate therein the number of youth residing in the respective fractions of townships of which the sub-district is composed; and if such sub-district is composed of parts of two or more counties, the clerk to whom the return is made shall transmit a certified copy thereof to the auditor of each county having territory within the sub-district. [70 v. 195, § 34; 71 v. 15, § 77; 72 v. 63, § 36.]

SEC. 4035. The clerk of each board shall, annually, on or before the second Monday of October, make, and transmit to the county auditor, an abstract of the enumeration by this chapter required to be returned to him, according to the form prescribed by the commissioner of common schools, with an oath or affirmation indorsed thereon that it is a correct abstract of the returns made to him under oath or affirmation; and the oath or affirmation of the clerk may be administered and certified by any member of the board of education, or by the county auditor. [70 v. 195, § 79]

Clerk to transmit abstract to county auditor.

SEC. 4036. If the clerk of any district fail to transmit such abstract of enumeration on or before the second Monday of October, the auditor shall at once demand the same from such clerk; and in case the enumeration has not been taken as required by this chapter, or the abstract required be not furnished without delay, the auditor shall employ competent persons to take such enumeration, who shall be subject to the legal requirements already specified, except that the returns shall be made directly to the auditor, who may administer to each person employed the oath or affirmation required; and the auditor shall allow the persons employed by him a reasonable compensation, to be paid out of the general county fund, and shall proceed to recover the amounts so paid, in a civil action, before any court having competent jurisdiction, in the name of the state, against such clerk, on his bond, and the amount so collected shall be paid into the general county fund. [70 v. 195, § 80.]

When the clerk fails auditor to act.

SEC. 4037. If parts of an original surveyed township or fractional township are situate in two counties, the auditor of the county in which the smallest part is situate shall, so soon as the abstracts of enumeration are received by him from the clerks of the boards of education, certify to the

When county line divides original surveyed township.

Ch. 10.

Enumeration, Treasurer, and Clerk.

auditor of the county in which the largest part is situate the enumeration of youth residing in the part of the township situate in his county; if parts of such township or fractional township are situate in more than two counties, like certificates of enumeration shall be transmitted to the auditor of the county containing the greatest relative portion of such township, by the auditors of the other counties containing portions thereof; when it is uncertain which county contains the greatest relative portion of such township, such certificates shall be transmitted to the auditor of the oldest county, by the other auditor or auditors; and if the land granted by congress to such township or fractional township for the support of public schools has been sold, the auditor to whom such certificates are transmitted shall notify the auditor of state, without delay, that such enumeration has been certified to him. [70 v. 195, §§ 121, 130]

When enumeration not taken, district not entitled to school funds.

SEC. 4038. If an enumeration of the youth of a district be not taken and returned in any year, such district shall not be entitled to receive any portion of the school funds distributable in that year on the basis of enumeration; and if such loss to a district occur through the failure of the clerk of the board of education of the district to perform the duty required of him by either section *forty hundred and thirty-two*, or *forty hundred and thirty-five*, he shall be liable to the district for the loss, which may be recovered in an action in the name of the state; and the money so recovered shall be paid into the county treasury, and apportioned in the same manner as the school funds so lost would have been apportioned. [70 v. 195, §§ 120, 124.]

Auditor to furnish abstract to state commissioner.

SEC. 4039. The auditor of each county shall make, and transmit to the state commissioner of common schools, on or before the fifth day of November in each year, on blanks

Enumeration, Treasurer, and Clerk.

Ch. 10.

to be furnished by the commissioner, an abstract of the enumeration returns made to him, duly certified. [70 v. 195, § 81.]

SEC. 4040. When the state commissioner of common schools, on examination of the enumeration returns of any district, is of opinion that the enumeration is excessive in number, or in any other way incorrect, he may require the same to be retaken and returned, and if he think it necessary he may for this purpose appoint persons to perform the service, who shall take the same oath, perform the same duties, and receive the same compensation, out of the same funds, as the person or persons who took the enumeration in the first instance, and the school fund distributable in proportion to enumeration shall be distributed upon the corrected returns. [70 v. 195, § 75.]

Duty of state commissioner when enumeration excessive, etc.

SEC. 4041. An officer through whose hands the enumeration required by this chapter to be returned passes, who, by percentage or otherwise, adds to or takes from the number actually enumerated, shall be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be fined in any sum not less than five nor more than one thousand dollars, or imprisoned in the county jail not less than ten nor more than thirty days, at the discretion of the court. [70 v. 195, § 75.]

Penalty for making fraudulent returns.

TREASURER AND CLERK.¹

SEC. 4042. In each city district the treasurer of the city funds shall be ex-officio treasurer of the school funds; but if

Who to be treasurer of school funds¹

SEC. 4041. Great care should be taken in the performance of this duty of taking and returning the enumeration, forming the basis, as it does, for the distribution of large sums of money.

CITIES OF THE SECOND CLASS WHEN COUNTY SEATS.

SEC. 4042. In a city district having no city treasurer other than the county treasurer, the board of education is authorized to elect a treasurer

the county treasurer is treasurer of the city funds, the board of education may appoint one of its members treasurer, who shall not receive any compensation for his services; in each township district the treasurer of the township funds shall be ex-officio treasurer of the school funds; and in each village and special district the board of education shall choose its own treasurer. [70 v. 241, § 44.]

Treasurer to
give bond, and
produce funds
to be counted
and examined.

SEC. 4043. Each school district treasurer, or county treasurer who is ex-officio treasurer of a school district, shall, before entering upon the duties of his office, execute a bond,

from its own number. If the board does not so elect, the county treasurer is required to disburse the school funds.

(From Revised Statutes, taking effect January, 1880):

SEC. 5841. A surety of the treasurer of school funds, in any school district organized under the provisions of law, may at any time notify the board of education of the proper district, by giving at least five days' notice, in writing, that he is unwilling to continue as surety for such treasurer, and will, at a time therein named, make application to the board of education to be released from further liability upon his bond; and he shall also give at least three days' notice in writing to such treasurer, of the time and place at which the application will be made. [70 v. 195, § 48.]

SEC. 5842. The board of education, upon such notice being given, shall hear the application, and if, in their opinion there is good reason therefor, shall require the treasurer to give a new bond, conditioned according to law, and to the satisfaction of the board, within such time as they may direct; and if the treasurer fail to execute such bond, the office shall be deemed vacant, and shall be immediately filled as other vacancies therein; but such original sureties shall not be released or discharged until the filing of the new bond, or the expiration of the time allowed therefor: and the cost of such application shall be paid by the person making the same. [70 v. 195, § 48.]

In an action against a surety on a township treasurer's school bond, conditioned for the faithful disbursement of school moneys, a judgment for the defendant will not be reversed, when the pleadings and evidence show a default by the treasurer only as to "township funds" in general items, without specifying that any part thereof was school money. *The State v. Corey*, 16 O. S. 17.

Township trustees have no authority to release a treasurer from his liability for any portion of the school fund belonging to the township. *State v. Williams*, 13 O. 495.

SEC. 4043. Every officer, on receiving an official bond which by law is required to be filed or deposited with him, shall immediately, on receiving such bond, record the same in a book to be kept by him for that purpose; and a certified transcript of the record of any such bond shall be taken and held, in all courts and places, as conclusive evidence of such record, and prima facie evidence of the execution and existence of such bond. [41 v. 13, § 1.]

Treasurer's Bond.—And this whether the treasurer is elected by the board or is serving *ex-officio*. He must give bond as treasurer of the school funds, though he may have already filed a bond as township, city, or county treasurer.

Part First, Title 1, Chapter 1, Sec. 5, Revised Statutes.

In no case should the clerk neglect to send to the county auditor this

with sufficient surety, in double the probable amount of school funds that may come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all such funds which come into his hands; such bond, when so executed and approved, shall be filed with the clerk of the board of education of the district, who shall cause a certified copy thereof to be filed with the county auditor without delay; and such board, at the time of the approval of such bond, shall require the treasurer of the school funds to produce all money, bonds or other securities in his hands as such treasurer, and the same shall be then counted by the board, or a committee thereof, in the presence of the clerk of the board, who shall thereupon enter upon the records of the board a certificate, setting forth the exact amount of money or securities so found in the hands of such treasurer, which record shall be signed by the president and clerk of the board, and shall be prima facie evidence that the amount therein stated was actually in the treasury at that date. [70 v. 195, §§ 46, 82; 76 v. 16, § 1.]

SEC. 4044. The treasurer shall, annually, between the first and the tenth day of September, settle with the county auditor for the preceding school year, and for that purpose shall present a certified statement showing the amount of money received, from whom, and on what account, and the

Annual settlement by treasurer with county auditor.

certified copy of the treasurer's bond, as the auditor is forbidden to give a treasurer an order on the county treasurer for a sum which at any time will make the amount in such treasurer's hands over one-half of the penalty in his bond.

SEC. 4044. If it is evident to the county auditor that the school moneys have been illegally paid out, as they would be if paid to any member of a board of education on any contract with such board, or as an employé thereof, it is his duty to refuse the treasurer credit for the same. If moneys have been paid from the wrong fund, as from the school fund, when the law says it must be township fund, the auditor must not allow credit to such orders. He should insist on their correction by the board, or correct them himself by proper debit and credit.

Ch. 10.

Enumeration, Treasurer, and Clerk.

amount paid out, and for what purposes; he shall produce vouchers for all payments made; and if the auditor, on examination, find the statement and vouchers to be correct, he shall give the treasurer a certificate of that fact, which shall, prima facie, be a discharge of the treasurer for the money paid; and for making such settlement he shall be entitled to receive the sum of one dollar, and also five cents per mile for traveling to and from the county seat, to be paid out of the county treasury, on the order of the county auditor. [71 v. 9, § 47.]

Penalty for failure to make such settlement.

SEC. 4045. If the treasurer of any school district willfully or negligently fail to make such annual settlement within the time prescribed in the preceding section, he shall be liable to pay a fine of fifty dollars, to be recovered in a civil action in the name of the state; which amount, when collected, shall be paid into the county treasury, and shall be applied to the use of common schools in his district; and the county auditor shall proceed forthwith, in case of such failure, to recover the penalty, by suit against such treasurer, before any justice of the peace of the county. [71 v. 9, § 47.]

Treasurer to report balances to board.

SEC. 4046. The treasurer shall report to the board of education, within ten days after his settlement with the county auditor, the amount of money in his hands for school purposes, and the amount belonging to each fund. [70 v. 195, § 46]

When treasurer may receive or pay money.

SEC. 4047. No treasurer of a school district, except in cases otherwise provided for in this title, shall pay out any school money except on an order signed by the president and

SEC. 4047. The case "otherwise provided for" is the payment of teachers in the sub-districts on the order of the directors, section 4018. (From revised statutes taking effect January, 1880):

SEC. 6846. *Embezzlement by municipal and school officers.*—A member of the council or board of aldermen of any municipal corporation, or an officer, agent, clerk, or servant of such corporation, or of any board or department thereof, or an officer, agent, clerk, or servant of any board of education, who, knowingly, diverts, appropriates, or applies any funds,

countersigned by the clerk of the board of education; and no money shall be paid to the treasurer of a district, other than that received from the county treasurer, except upon the order of the clerk of the board, who shall report the amount of such miscellaneous receipts to the county auditor each year, immediately preceding such treasurer's settlement with the auditor. [71 v. 15, § 83.]

SEC. 4048. The auditor shall in no case permit the treasurer of a school district to have in his hands, at any time, an amount of school funds over one half the amount of the penalty in the bond of the treasurer; and before giving such treasurer any order for school funds, he shall re-

Maximum
amount of
funds which
treasurer may
hold.

or a part of any fund, raised under any law, by taxation or otherwise, to any other use or purpose than that for which it was raised or appropriated, or who, knowingly, diverts, appropriates, or applies, any money borrowed, or any bond of the corporation, or any part of the proceeds of such bond, to any other use or purpose than that for which such loan was made, or bond issued, shall be deemed guilty of embezzling the amount so diverted, appropriated, or applied, and punished accordingly. [66 v. 263, § 671; 73 v. 116, § 1.]

SEC. 6247. *Selling public property with intent to defraud.*—Whoever, being intrusted with the care, custody, or control, of any property of the state, or of any county, township, or municipal corporation, sells or disposes of the same, for his own use, with intent to defraud, is guilty of embezzlement, and shall be punished accordingly. [69 v. 193, § 2.]

SEC. 6975. *Members of boards of education.*—A member of a board of education, organized under any law of this state, who accepts or receives any compensation for his services as such member, except as clerk, or treasurer of such board, shall be deemed guilty of embezzlement of the amount so received, and punished accordingly. [70 v. 214, § 67.]

SEC. 7299. Any failure or refusal to pay over, or to produce, the public money, or any part thereof, by an officer or other person charged with the collection, receipt, transfer, disbursement, or safe keeping of the public money, or any part thereof, whether belonging to the state, or to any county, township, municipal corporation, or board of education in this state, or any other public money whatever, or to account to, or to make settlement with, any proper and legal authority, of the official accounts of such officer or person, shall be held and taken as *prima facie* evidence of the embezzlement thereof, and upon the trial of any such officer or person for the embezzlement of public money under section 6841, it shall be sufficient evidence, for the purpose of showing a balance against him, to produce a transcript from the books of the auditor of state, or the auditor of the county, or the records of the commissioners of the county; and the refusal of any such officer, or person, whether in or out of office to pay any draft, order, or warrant drawn upon him, by the proper officer, for any public money in his hands, no matter in what capacity the same was received or is held by him, or any refusal, by any person or public officer, to pay over to his successor any public money or securities promptly, on the legal requirement of any authorized officer of the state or county, shall be taken on the trial of an indictment against him for embezzlement as *prima facie* evidence of such embezzlement. [55 v. 44, § 15.]

Ch. 10.

Enumeration, Treasurer, and Clerk.

quire the treasurer to file with him a statement, to be furnished by the clerk of the board of education whenever necessary for the purpose, showing the amount of funds in the treasurer's hands according to the clerk's books. [70 v. 195, § 84.]

Treasurer to deliver money etc., to successor.

SEC. 4049. At the expiration of his term of service each treasurer shall deliver to his successor in office all books, papers, money, and other property in his hands belonging to his district, and also all orders redeemed by him since his last settlement with the county auditor, and take duplicate receipts of his successor therefor, one of which he shall deposit with the clerk of the board of education within ten days thereafter. [71 v. 9, § 47.]

Bond of clerk.

SEC. 4050. The clerk of each board of education shall execute a bond, in an amount and with surety to be approved by the board, payable to the state of Ohio, conditioned that he shall perform faithfully all the official duties required of him; which bond shall be deposited with the president of the board, and a copy thereof, certified by the president of the board, shall be filed with the county auditor. [70 v. 195, § 45.]

When orders of clerk for teachers' pay illegal.

SEC. 4051. It shall be unlawful for the clerk of a board to draw an order on the treasurer for the payment of a teacher for services until the teacher files with him such reports as are required by the state commissioner of common schools and the board of education, a legal certificate of qualification, or a true copy thereof, covering the entire time of the service, and a statement of the branches taught;

SEC. 4050. Section note [1] under section 4043.

SEC. 4051. The provisions in the act of March 18, 1864 (61 v. 31), that no person shall be "employed" as a teacher unless he has first obtained the certificate required by law, does not render invalid a contract for employment made with the teacher before he obtains the requisite certificate, provided he obtain it before entering on the duties of his employment. *School District v. Dilman*, 22 O. S. 194.

but orders may be drawn for the payment of special teachers of drawing, painting, penmanship, music, gymnastics, or a foreign language, on presentation of a certificate to the clerk, signed by a majority of the examiners, and the filing with him of a true copy thereof, covering the time for which the special teacher has been employed, and the specialty taught. [70 v. 195, §§ 53, 94.]

SEC. 4052. The clerk of each board shall prepare the annual report of the receipts and expenditures of school money, and the statistical statement in reference to the

Duties of clerk
as to statistics,
etc.

TEACHERS' ORDERS.

Township boards have not the power to authorize the giving or refusing of orders for teachers' pay, and such orders need not be signed by the president.

If an order is drawn for the illegal payment of a teacher, the remedy of the board is a writ of injunction.

Each of these three documents must be carefully filed by the clerk and handed over to his successor in office.

An assistant teacher who has not a legal certificate can not be paid through an order drawn in favor of another teacher who had a certificate, nor can any uncertificated teacher, who is employed as a *substitute*, receive pay through another teacher. Section 4074 provides that "no person shall be employed as a teacher" who has not a legal certificate. It is the duty of the township clerk to refuse to draw an order for the payment of money from the school fund when he has satisfactory evidence that any portion of such money is to be used for the payment of a teacher not holding a legal certificate. A legal certificate must cover the *entire time* of the teacher's service, must specify all the branches taught, and can neither directly nor indirectly be made to legalize another teacher's services.

Orders in hands of a purchaser.—An order drawn by the clerk of the board of education, under the statute, in favor of a third person or bearer, on the township treasure, is not negotiable, and a purchaser takes such order subject to the same defenses that could be made against it in the hands of the payee.

The State ex rel. Steinbeck, et al. v. Treasurer of Liberty Township. 22 O. S., 144.

The written acceptance of such order by the predecessor of the township treasurer, to whom it is presented for payment, imposes no greater obligation on the latter to pay the same, than he would have been under had it been presented without such acceptance. *Ib.* 144.

SEC. 4055. Duty and liability of clerk.—The clerk of a board of education of a school district is required to perform the following duties, among others: 1. To keep a faithful record of all the official proceeding of the board. 2. To keep a record of all school moneys received and disbursed by the board. 3. To draw and countersign all orders of the board for the payment of money from the school fund. 4. To certify the enumeration of youth to the county auditor, and to employ a competent person to take such enumeration, if the board fail to discharge their duty. 5. To prepare and forward the annual returns to the county auditor. 6. To certify to the county auditor the annual estimates of the board. (See Secs. 4036, 4038, and 4061.)

Ch. 10.

Enumeration, Treasurer, and Clerk.

schools, required of the board by section *forty hundred and fifty-seven*, and transmit the same to the county auditor on or before the first day of October in each year. [70 v. 195, § 82.]

Publication of
receipts and
disbursements
by clerk.

SEC. 4053. The board of education of each district, except city districts of the first class, shall require the clerk of the board annually, ten days prior to the election for members of the board and directors of sub districts, to prepare, and post at the place or places of holding such elections, or publish in some newspaper of general circulation in the district, an itemized statement of all money received and disbursed by the treasurer of the board within the school year last preceding. [70 v. 195, § 66.]

Clerk to de-
liver books, etc.,
to successor.

SEC. 4054. Each clerk shall, at the expiration of his term of office, deliver to his successor all books and papers in his hands relating to the affairs of his district, including certificates, and copies thereof, and reports of school statistics, filed by teachers. [70 v. 195, § 84.]

How treasurer
and clerk to
keep accounts.

SEC. 4055. The auditor of each county shall furnish to the clerk and treasurer of each school district in his county a suitable blank book, made according to the form prescribed by the commissioner of common schools, in which each shall keep an account of the school funds of his district; the clerk's account shall show the amounts certified by the county auditor to be due the district, all sums paid to the treasurer from other sources on his order, and all orders drawn by him on the treasurer, and upon what funds and for what purposes drawn; the treasurer's account shall show the amounts received from the county treasurer, all sums received from other sources on the order of the clerk, and the amounts paid out, and from what funds and for what purposes paid; and a separate account of each fund shall be kept, and each

Reports.

Ch. 11.

account shall be balanced at the close of the school year, and the balance in the treasurer's hands belonging to each fund shown. [70 v. 195, § 84.]

SEC. 4056. The board of education may fix the compensation of the clerk and treasurer; the allowance made to the treasurer shall not exceed one per centum of the money disbursed by him on orders of the board; but the treasurers of township districts shall be allowed as compensation one per centum on all school funds disbursed by them, to be paid on the order of the trustees of the township, out of the township treasury, and treasurers of city districts shall not be allowed any compensation for disbursing the school funds. [70 v. 195, § 49.]

Compensation
of treasurer and
clerk.

CHAPTER 11.

REPORTS.

SECTION

4057. Annual report by board of education
4058. In what form to be made, etc.
4059. Reports by superintendents and teachers.
4060. Duties of county auditor as to school statistics, etc.

SECTION

4061. Penalties against auditor and clerk.
4062. When auditor to appoint person to make reports.
4063. Further penalties against auditor.
4064. Compensation of auditor.

SEC. 4057. The board of education of each district shall make a report to the county auditor, on or before the first

Annual report
by board of edu-
cation.

PAY OF TREASURER.

SEC. 4056. A careful reading of this section, together with section 4042, will show that treasurers of township boards, village boards, and boards of special school districts, may receive as compensation for services, as much as one per cent. on the money disbursed upon orders of the board; and treasurers of city districts shall not be allowed any compensation for disbursing the school funds. The municipal code, O. L., 75, pp. 204 and 217, sections 3 and 27, forbids a city treasurer or a county treasurer, who, by reason of his location in a city of the second class, embracing a county seat, becomes a city treasurer, to receive additional compensation for disbursing the school fund, that being a part of the duty assigned to his office.

School moneys paid over by a retiring treasurer to his successor are not disbursed by him on orders of the board, and he has no claim to per cent. thereon. The township treasurer's fees are paid from the township treasury, and custom has made the clerk's compensation payable from the same source.

Ch. 11.

Reports.

day of October in each year, containing a statement of the receipts and expenditures of the board, the number of schools sustained, the length of time such schools were sustained, the enrollment of pupils, the average monthly enrollment and average daily attendance, the number of teachers employed, and their salaries, the number of school-houses and school-rooms, and such other items as the commissioner of common schools may require. [70 v. 195, § 75.]

In what form to be made, etc.

SEC. 4058. The report shall be made on blanks which shall be furnished by the commissioner of common schools to the auditor of each county, and by the auditor to each school clerk in his county; and each board of education, or officer or employé thereof, or other school officer in any district or county, shall, whenever the commissioner so requires, report to him direct, upon such blanks as he shall furnish, any statements or items of information that he may deem important or necessary. [70 v. 195, § 75.]

Reports by superintendents and teachers.

SEC. 4059. Boards of education shall require all teachers and superintendents to keep the school records in such manner that they may be enabled to report annually to the county auditor, as required by the provisions of this title, and may withhold the pay of such teachers as fail to file with the clerk the reports required of them; they may require superintendents to report each year such matters as they deem important or necessary for information in regard to the management and conduct of the schools, and to make

DAILY REGISTER.

SEC. 4059. Every teacher should keep a daily record of the attendance of each pupil enrolled in his school, and, for this purpose, should be supplied by township or other district board with a suitable school register.

Boards of education have power to supply themselves with all blank books, order books, and stationery necessary for the transaction of their official business, and also to supply teachers with registers and necessary stationery.

such suggestions and recommendations as they may deem advisable relative to methods of instruction, school management, or other matters of educational interest; and the board of each city district of the first class shall prepare and publish, annually, a report of the condition and administration of the schools under its charge, and include therein a complete exhibit of the financial affairs of the district. [70 v. 195, § 76.]

SEC. 4060. The auditor of each county shall, on or before the fifth day of November, annually, prepare, and transmit to the commissioner of common schools, an abstract of all the returns of school statistics made to him from the several districts in his county, according to the form prescribed by the commissioner, and a statement of the condition of the institute fund, and such other facts relating to schools and school funds as the commissioner may require; he shall also cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several school districts in the county, as the commissioner may lawfully require; and if the auditor neglect to prepare and return any of the abstracts or reports herein required, the county commissioners shall withhold from him all compensation for his services under this title. [70 v. 195, § 123.]

Duties of county auditor as to school statistics, etc.

SEC. 4061. The auditor shall also be liable on his bond for any such neglect, in a sum not less than three hundred nor more than one thousand dollars, on complaint of the commissioner of common schools; and if the clerk of the board of education of any district fail to make the annual returns of school statistics required by this title, to the county auditor, he shall be liable on his bond, in a sum not less than fifty nor more than three hundred dollars, on complaint of the county auditor, or of the board of education,

Penalties against auditor and clerk.

Ch. 11.

Reports.

to be recovered in a civil action in the name of the state, and when collected to be paid into the county treasury, and applied to the use of common schools in such district. [70 v. 195, § 123.]

When auditor
to appoint per-
son to make re-
ports.

SEC. 4062. Upon the neglect or failure of the clerk of the board of education of any district to make the reports required in this title, and by the time specified, the county auditor shall appoint some suitable person, resident of the district, to make such reports, who shall receive the same compensation therefor, and in the same manner, as is allowed by law for like services. [70 v. 195, § 123.]

Further penal-
ties against
auditor.

SEC. 4063. A county auditor who willfully or negligently fails, in any year, to transmit to the commissioner of common schools the abstract of enumeration required by section *forty hundred and thirty-nine*, or to perform any other duty required of him in this title, shall be liable on his bond to the extent of twice the sum lost to the school districts of his county in consequence of such failure, which sum shall be recovered in a civil action against him, on his bond, in the name of the state, before any court of competent jurisdiction; and the money so recovered shall be paid into the county treasury, for the benefit of such districts, and apportioned in the same manner as the school funds so lost would have been apportioned. [70 v. 195, §§ 81, 124.]

Compensation
of auditor.

SEC. 4064. The commissioners of each county shall allow the county auditor, annually, a reasonable compensation for his services under this title, not to exceed five dollars for each city, village, special, and township school district in his county, to be paid out of the county treasury; but before such allowance shall be made for any year the auditor shall present to the commissioners a statement, officially certified and signed by the commissioner of common

schools, that he has transmitted to the commissioner all reports and returns of statistics for that year required by this title. [70 v. 195, § 125.]

CHAPTER 12.

EXAMINERS.

SECTION

- 4065. State board—appointment, term of office, and vacancy.
- 4066. Board may grant life certificates; record thereof, etc.
- 4067. Effect thereof; may be revoked for cause.
- 4068. Fee for examination.
- 4069. County boards—appointment, term, and vacancies.
- 4070. President and clerk, and certain duties of clerk.
- 4071. Meetings of board, and fee for examination.
- 4072. Disposition of fees; traveling expenses of board.
- 4073. Validity and revocation of certificates.
- 4074. Certificate a prerequisite to employment; special studies.

SECTION

- 4075. Compensation and incidental expenses of board.
- 4076. Annual report of clerk, and his bond.
- 4077. Boards of city districts of first class.
- 4078. Standard of qualification for teachers.
- 4079. Organization of board; bond of clerk.
- 4080. Meetings, and publication of notice.
- 4081. Examination fee; power of board.
- 4082. Compensation of examiners; incidental expenses.
- 4083. Duties of clerk; disposition of fees.
- 4084. Boards of city districts of second class and village districts.
- 4085. Who ineligible as examiner.

STATE BOARD OF EXAMINERS.

SEC. 4065. There shall be a state board of examiners, which shall consist of three competent persons, residents of the state, to be appointed by the state commissioner of common schools; the term of office of such examiners shall be three years; and when a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the commissioner shall fill the same by appointment for the full or unexpired term, as the case demands; but this section shall not be construed to affect the term of office of members of the board in office at the time this act takes effect. [70 v. 195, § 85.]

State board
appointment,
term of office,
and vacancy.

Ch. 12.

Examiners.

Board may grant life certificates and shall keep record.

SEC. 4066. The board thus constituted may issue life certificates of high qualification to such teachers as are found, upon examination, to possess the requisite scholarship, and who exhibit satisfactory evidence of good moral character, and of eminent professional experience and ability; and the clerk of the board shall keep a record of the proceedings, showing the number and date of each certificate, to whom granted, and for what branches of study, and shall report such statistics to the commissioner annually on or before the first day of October. [70 v. 195, § 86.]

Effect thereof; may be revoked for cause.

SEC. 4067. All certificates issued by such board shall be countersigned by the commissioner of common schools; and such certificates shall supersede the necessity of any and all other examinations of the persons holding them, by any board of examiners, and shall be valid in any school district in the state, unless revoked by the state board for good cause. [70 v. 195, § 87.]

Fee for examination.

SEC. 4068. Each applicant for a certificate shall pay to the board of examiners a fee of three dollars. [70 v. 195, § 88.]

COUNTY EXAMINERS.

County boards—appointment, term, and vacancies.

SEC. 4069. There shall be a board of examiners for each county, which shall consist of three competent persons, to be appointed by the probate judge; such persons shall be residents the county for which they are appointed, and shall not be connected with or interested in any normal school, or school for the special education or training of persons for teachers; if an examiner become connected with or inter-

SEC. 4066. The branches of study in which applicants for state certificates shall be examined are left to the enlightened discretion of the board, and though it is customary to enumerate in the certificate the branches in which the bearer has passed, it is not essential to the certificate's validity.

SEC. 4069. *Legal qualifications of a school examiner.*—An examiner must be an *elector* of the county in which he is appointed. Art. XV, sec. 4, of the constitution of the state provides that "no person shall be elected or appointed to any office in this state unless he possesses the qualifications

ested in any such school, his office shall become vacant thereby; the term of office of such examiners shall be three years; but the probate judge make revoke the appointment of an examiner upon satisfactory proof that he is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the probate judge shall fill the same by appointment for the full or unexpired term, as the case demands; and within ten days after an appointment the probate judge shall report to the commissioner of common schools the name and post-office of the appointee, and whether the appointment is for a full or unexpired term; but this section shall not be construed to affect the term of office of members of such boards in office at the time this act takes effect; and no person shall be appointed to the position or exercise the office of state, county, city, or village ex-

of an *elector*." Since a woman is not an elector (art. V, sec. 1) she can not be appointed to the office of examiner. The persons appointed must be "*competent*" to examine teachers and decide respecting their qualifications.

Examiners should take an oath or make affirmation as is required in sec. 3979.

Oath of office.—Art. XV, sec. 7, of the constitution provides that "every person chosen or appointed to *any* office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation to support the constitution of the United States, and of this State, and also an oath of office." The supreme court has decided that officers should take the oath required by the constitution whether the law under which they hold office prescribes this duty or not. The State of Ohio *vs. Kennon, et al.*, 7 O. S. R., 546. School examiners should file in the office of the appointing judge a certificate showing that they have taken the official oath required by the constitution. In case the constitutional oath is not taken by an examiner, his appointment may be revoked.

Removal of examiners.—In the appointment of county examiners the probate judge should seek alone the good of the schools. In no case should a person of immoral habits be appointed. Drunkenness, licentiousness, profanity, and kindred offences, should each be an impassable barrier to this position and an irresistible power driving the offender from it.

A mistake of judgment in the discharge of his duty is not a ground for an examiner's removal. For example, it is left to his wise discretion whether A or B is entitled to a certificate, but proof that improper influences had to do with the determination of the question should cause a vacancy, so with proof of inefficiency from any cause or of habitual neglect of duty.

Vacancies.—It is to be observed that when a vacancy occurs in the midst of an examiner's term, his successor is *not* to be appointed for the full term of three years.

Ch. 12.

Examiners.

aminer of teachers who is the agent of or is interested in any book-publishing or book-selling firm, company, or business. [70 v. 195, § 89.]

President and clerk, and certain duties of clerk.

SEC. 4070. The board shall organize by choosing from its members a president and a clerk; the clerk shall keep a record of the proceedings, showing the number and date of each certificate issued, and to whom, for what term, and for what branches of study, and such other statistics relating to the examination and proceedings as the commissioner of common schools may require, and shall report such statistics to the commissioner annually, on or before the first day of October; and such boards may make all needful rules and regulations for the proper discharge of their duties. [70 v. 241, § 95.]

Meetings of board, and fee for examination.

SEC. 4071. Each board shall fix upon the place and times for holding meetings for the examination of applicants for certificates, notice of which shall be published in some newspaper of general circulation in the county; the meetings, of which there shall not be more than eighteen in any year, shall be held at such place in the county as will, in the opinion of the board, best accomodate the greatest number of applicants; a majority of the board may examine applicants and grant certificates; and as a condition of examination each applicant shall pay to the board a fee of fifty cents. [70 v. 195, §§ 90, 91.]

Disposition of fees; traveling expenses of board.

SEC. 4072. The clerk of the board shall pay to the county treasurer, quarterly, all fees received, and file with the county auditor a written statement of the amount, and of the

SEC. 4071. Private examinations are illegal. Applicants are to be examined at a *meeting*, notice of which shall be published.

SEC. 4072. The clerk of the board should also be treasurer. There should be no carelessness permitted in the matter of *paying over the fees quarterly and filing the written statement or quarterly report* required by law. A failure to strictly carry out the requirements of this section would abundantly justify the probate judge in removing from office the negli-

number of applicants, male and female, examined during the quarter; the necessary traveling expenses of the examiners, which shall not, in any quarter, exceed one-third of the amount of fees received, shall be paid from the money so paid to the county treasurer, on orders of the county auditor; and the balance of such money shall be set apart for the support of teachers' institutes, and be applied as provided in chapter thirteen. [70 v. 195, § 91.]

SEC. 4073. The board may grant certificates for six, twelve, eighteen, twenty-four, and thirty-six months from the day of examination, which shall be valid within the county wherein they are issued, except in city and village districts, in which they shall not be valid unless indorsed by the president and secretary of board of examiners of such dis-

Validity and revocation of certificates.

gent examiner. The examiners should not hold any meeting so late in the quarter as to prevent the quarterly returns from being made on or before the last day of the quarter.

The auditor should file in his office a duplicate of the treasurer's receipt for the amount of fees paid in during the quarter.

Liability of examiners.—County examiners are jointly and individually liable for all fees not paid over quarterly to the county treasury as the law directs. In order that the school commissioner may exercise that supervision over the school funds of the state that the law requires, it is essential that the examiners make their reports of money received and applicants examined promptly.

In case the examiners fail to pay over quarterly to the county treasurer all moneys collected as examination fees, it is the duty of the auditor to collect the same.

Necessary traveling expenses.—By the "necessary traveling expenses" of examiners is meant the amount of money actually and necessarily paid out by them in getting to and from the place of meeting for the examinations of teachers. When hotel expenses are necessarily incurred they may be included. The auditor should not exceed the limit fixed, in issuing orders for payment of traveling expenses.

SEC. 4073. Examiners can not grant certificates for any length of time not specified in the statute.

Extending a certificate one, two, or three months is not authorized.

Antedating of certificates.—Except in very *extreme* cases, no certificate should be antedated. The practice encourages teachers to run the risk of a failure on examination, countenances the illegal practice of employing uncertificated teachers by school directors, and greatly embarrasses the examiners in a conscientious and faithful discharge of their duties. If directors permit teachers to enter upon their duties without a certificate, they are responsible for the payment of such teacher's wages up to the time of their obtaining a certificate.

The board of examiners are empowered to revoke a certificate issued by their predecessors in office for the same reasons which would justify them in case they had themselves issued it. The right inheres in the office, not in the man. Revocation of a certificate annuls the contract previously entered into by the bearer.

tricts; and if, at any time, the recipient of a certificate be found immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services rendered. [70 v. 195, § 92.]

Certificate a prerequisite to employment; special studies.

SEC. 4074. No person shall be employed as teacher in any common school who has not obtained from a board of examiners, having competent jurisdiction, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography, and English grammar, and possesses an adequate knowledge of the theory and practice of teaching, and, if required to teach other branches, that he or she has the requisite qualifications; but persons who desire or are expected to teach only special studies, such as music, drawing, painting, penmanship, gymnastics, German, or French, or any one of them, may be examined in regard to such study or studies only, and having obtained a certificate of qualification therein, and of good moral character, may be employed to teach such study or studies. [71 v. 107, § 93.]

REQUISITES FOR A CERTIFICATE.

SEC. 4074. No person is entitled to a certificate if he does not possess the following qualifications: 1. A good moral character. 2. The ability to teach in the English language *all* the branches of study named in the law. 3. An adequate knowledge of the theory and practice of teaching. The examiners must certify that the recipient of a certificate possesses each of these qualifications.

The omission of either in a certificate renders such certificate invalid. Persons intending to teach branches of study, in addition to the common English branches, must obtain a certificate that they are qualified to teach such additional branches.

No person can be employed as teacher in any common school unless such person has a certificate of qualification both as to moral character and competency to teach the branches named therein.

Assistant teachers and substitutes must hold certificates.

Special teachers of any branch, other than those named, may teach such branch upon a certificate giving evidence as to qualifications to teach such special branch.

SEC. 4075. Each member of the board shall be entitled to receive two dollars for each day he is necessarily engaged in official service, to be paid out of the county treasury, on the order of the county auditor; all books, blanks, and stationery required by the board shall be furnished by the county auditor; the board may contract for the use of suitable rooms in which to conduct examinations, procure fuel and light, and employ janitors to take charge of the rooms, and keep them in order; and the expenses so incurred, and also the cost of advertising required by section *forty hundred and seventy-me* shall be paid out of the county treasury, on orders of the county auditor, who shall issue such orders upon the certificate of the president of the board, countersigned by the clerk. [70 v. 241, § 95.]

Compensation
and incidental
expenses of
board.

SEC. 4076. The clerk of the board shall prepare, and forward to the commissioner of common schools, on or before

Annual report
clerk, and his
bond.

COMPENSATION OF COUNTY EXAMINERS.

SEC. 4075. The necessary official service of examiners, for which they are entitled to pay, is three-fold:

1. The examination of applicants to determine their moral character, their scholarship, and their professional knowledge and skill. This duty must be performed at regular meetings of the board, which have been duly noticed in the county paper. If the work of examination be not completed on the first day of the meeting, the board may adjourn to the next or a subsequent day—such regular and adjourned sessions constituting but *one* meeting of the board. For each day's service thus necessarily performed, examiners are entitled to a compensation of two dollars each. If an examiner is absent from any session of the board, he is not entitled to pay for the same.

2. The granting of certificates, which may occur at the adjourned session of a meeting, if the examination of applicants should occupy all of the first day. When applicants are required to hand in written answers to questions, the papers may be examined, if necessary, at the adjourned session. For services thus rendered, examiners are entitled to compensation at the rate of two dollars a day.

3. The recording of the proceedings and the preparation of all reports required by law, which is made the duty of the clerk, and for the performance of which he is entitled to compensation at the rate of two dollars a day for all time actually and necessarily employed. The clerk should keep an accurate record of the amount of official service performed by each examiner; and all bills presented to the county auditor for the payment of such service, should be duly certified by the clerk.

Current expenses.—When such certificates are properly signed there seems to be no supervising power granted to the county auditor "he shall issue such orders, etc."

SEC. 4076. The quarters end on the last days respectively of November, February, May, and August.

the first day of October in each year, a statement of the number of examinations held by the board, the number of applicants examined, the total number of certificates granted, and the number for each term mentioned in section *forty hundred and seventy-three*, the amount of fees received and paid to the county treasurer, the amount received from the county treasury by the members of the board for their services, and such other statistics and information in relation to the duties of the board as the commissioner may require; and he shall deposit with the county auditor a bond, with surety to be approved by the auditor, in the sum of three hundred dollars, that he will pay into the county treasury, quarterly, the examination fees received by the board, and make the statistical returns required by this chapter. [70 v. 241, § 95.]

CITY AND VILLAGE EXAMINERS.

Boards of city
districts of first
class.

SEC. 4077. There shall be a board of examiners for each city district of the first class, to be appointed by the board of education of the district; such board may consist of either three, six, or nine persons, as the board of education may determine, and the persons appointed shall be competent for the position, and residents of the district for which they are appointed; the term of office of such examiners shall be three years; but the board of education may revoke any appointment, upon satisfactory proof that the appointee is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the board of education shall fill the same by appointment for the full or on unexpired term, as the case demands; and within ten

SEC. 4077. Nothing in the statute directly prohibits a member of the board of education from serving on a city or village board of examiners, but the provisions of sec. 3974 would prevent his receiving pay for such services.

days after an appointment the clerk of the board of education shall report to the commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term ; but this section shall not be construed to affect the term of office of such examiners in office at the time this title takes effect. [70 v. 195, § 97 ; 71 v. 107, § 96.]

SEC. 4078. Such board may examine the schools within its jurisdiction and shall determine the standard of qualification for teachers ; in the examination of applicants and the granting of certificates the board shall be governed by the provisions of section *forty hundred and seventy four* ; and, to secure a thorough examination of applicants in difficult branches or special studies, the board may secure the assistance, temporarily, of persons of sufficient knowledge in such branches or studies, who shall promise, on oath or affirmation, to be administered by the clerk of the board of examiners, to perform the duties of examiner faithfully and impartially ; and superintendents of schools shall give to the board all necessary information in reference to branches and special studies to be taught, and the grades and classes teachers will have to teach. [71 v. 107, § 96.]

Standard of
qualification for
teachers.

SEC. 4079. The board shall organize by choosing from its members a president and a clerk ; and the clerk shall give bond, in the sum of five hundred dollars, with surety to be approved by the board of education, conditioned that he will perform faithfully the duties required of him by this chapter, which bond shall be deposited with the clerk of the board of education. [70 v. 195, § 98.]

Organization of
board ; bond of
clerk.

SEC. 4080. The board shall hold not less than two meetings each year, notice of which shall be published in some newspaper of general circulation in the district, and the ex-

Meetings, and
publication of
notice.

pense of such publication shall be paid as provided in section *forty hundred and eighty-two*.

Examination
fee; powers of
board.

SEC. 4081. Each person who applies to the board for examination shall pay to the clerk a fee of fifty cents; the board may grant certificates for one, two, or three years, which shall be signed by the president and attested by the clerk, and shall be valid within the district wherein they are issued; and on the production of satisfactory evidence that a person to whom a certificate has been issued is inefficient, or guilty of immoral or improper conduct, the board may revoke the certificate, and discharge such person from employment as a teacher in the district; but such teacher shall be entitled to pay for services to the time of such discharge. [70 v. 195, § 100; 72 v. 114, § 99.]

Compensation
of examiners;
incidental ex-
penses.

SEC. 4082. The board of education shall fix the compensation of such examiners, and the persons called to their assistance, furnish the necessary books, blanks, and stationery for their use, and designate a school building within the district in which they shall conduct examinations, and cause such building to be lighted and heated if necessary; and such compensation, and the incidental expenses incurred on account of the board of examiners, shall be paid, by order of the board of education, from the contingent fund of the district. [71 v. 107, § 96.]

Duties of clerk;
disposition of
fees.

SEC. 4083. The clerk shall keep a record of the proceedings of the board, and of such statistics as the commissioner of common schools may require, and shall report such statistics to the commissioner annually, on or before the first day of October; he shall pay the examination fees received by him to the treasurer of the district, within ten days after each meeting, and at the same time file with the clerk of the board of education a written statement of the amount, and

also a statement of the number of applicants, male and female, examined, and the number of certificates granted, and for what terms; and the fees paid to the treasurer of the district shall be applied to the support of teachers' institutes, as provided in chapter thirteen. [70 v. 195, § 98.]

SEC. 4084. The provisions of this chapter relating to boards of examiners for city districts of the first class, shall be applicable to such boards for city districts of the second class, and village districts having a population of not less than twenty-five hundred, except that such boards shall consist of three members, and may grant certificates for one, two, or three years only, and except also that the examination fees shall be disposed of, and statements filed with the county auditor, as provided in section *forty hundred and seventy-two*, in all such districts not covered by the provisions of section *forty hundred and ninety-three*. [70 v. 195, § 101; 72 v. 114, § 99.]

Boards of city districts of second class and village districts.

SEC. 4085. No board of county, city, or village examiners shall have more than one member connected with the same school.

Who ineligible as examiner.

CHAPTER 13.

TEACHERS' INSTITUTES.

SECTION	SECTION
4086. County institute—how organized, etc.	4091. Teachers may dismiss school to attend institute.
4087. Payment of institute fund to committee.	4092. Institute for city districts of first class.
4088. Report of institute committee.	4093. Institute for teachers of adjacent counties.
4089. Forfeiture of committee's bond.	4094. Length of sessions; reports of certain institutes.
4090. When school commissioner may hold institute.	

SEC. 4085. The intent of this section is to prevent the appointment of two persons connected with the same school, as members of a board of county, city, or village examiners. Members of the board of education and teachers are "connected" with the school.

Ch. 13.

Teachers' Institutes.

County institute—how organized, etc.

SEC. 4086. A teachers' institute may be organized in any county, by the association of not less than thirty practical teachers of common schools residing therein, who shall declare their intention, in writing, to attend such institute, the purpose of which shall be the improvement of such teachers in their profession; such institute shall appoint a secretary, and also a committee to manage the affairs of the institute, which committee shall enter into a bond, payable to the state of Ohio, with sufficient surety, to be approved by the county auditor, in double the amount of the institute fund in the county treasury, for the benefit of the institute fund of the county, and conditioned that the committee shall account faithfully for the money which will come into its hands, and make the report to the commissioner of common schools required by section *forty hundred and eighty-eight*. [70 v. 195, § 112.]

Payment of institute fund to committee.

SEC. 4087. The declaration and bond mentioned in section *forty hundred and eighty-six* shall be filed with the county auditor, whereupon the auditor shall give to the institute committee an order on the county treasurer for the amount of the institute fund in the treasury; and any portion of said fund not disbursed by the committee shall be returned to the county treasury, on the certificate of the county auditor. [70 v. 1 5, § 112.]

SEC. 4086. The only practicable mode of carrying out the provisions of this chapter, and the mode established by custom throughout the State, is for the teachers of each county to organize a permanent association, known as the institute. At each yearly session officers are chosen, who make the necessary preparations for the next session.

These officers are a president, vice-president, secretary, and executive committee. This committee is the legal representative of the institute. It usually consists of three members, who enter into bond to faithfully account for the money which shall come into their hands, and make the proper reports to the commissioner of common schools. They must see to it that the secretary keeps account of such matters as are required in said report, otherwise they are liable to the penalty stated in section 4088. There seems to be in any county but one county institute organization in contemplation of law.

SEC. 4088. The institute committee shall, within thirty days after the adjournment of the institute, report to the commissioner of common schools the number of teachers in attendance at the institute, the names of instructors and lecturers, the amount of money received and disbursed by the committee, and such other information relating to the institute as the commissioner may require; and on failure to make such report the committee shall forfeit and pay to the state the sum of fifty dollars. [70 v. 195, § 112]

Report of institute committee.

SEC. 4089. Upon the forfeiture of the committee's bond, the prosecuting attorney of the county shall prosecute an action thereon, in the name of the state, and collect any money which the committee may have failed to disburse according to law, and any penalty to which the committee may be liable under this chapter, and pay the same into the county treasury, to the credit of the institute fund. [70 v. 195, § 112.]

Forfeiture of committee's bond.

SEC. 4090. When a teachers' institute has not been held within two years in any county, the commissioner of common schools may hold or cause to be held therein such institute; and the management thereof, and all proceedings in relation thereto, shall be the same as hereinbefore provided, except that the written declaration required shall not be necessary. [70 v. 195, § 114.]

When school commissioner may hold institute.

SEC. 4091. All teachers of common schools within any county in which a county institute is held, except those employed in city districts of the first class, may dismiss their schools for the purpose of attending such institute, for the

Teachers may dismiss school to attend institute.

SEC. 4091. Professional spirit should lead teachers to attend their county institute, though such attendance does not longer pass as a week's teaching when pay day comes.

Directors are by this section deprived of any right to object to the teacher's dismissing school for one week for the purpose of attending the institute.

Ch. 13.

Teachers' Institutes.

week in which it is held; and boards of education of city districts of the first class situate within such counties may, by resolution, extend the privilege specified above to the teachers employed by them; but no union or graded school shall be dismissed for such purpose unless a majority of teachers employed therein assent thereto. [70 v. 195, § 117.]

Institute for
city districts of
the first class.

SEC. 4092. The board of education of each city district of the first class may provide for holding an institute yearly, for the improvement of the teachers of the common schools therein; the expenses of such institute shall be paid from the institute fund provided for by section *forty hundred and eighty-three*; if the board of any district do not provide for such institute in any year, it shall cause the institute fund in the hands of the district treasurer to be paid to the treasurer of the county wherein the district is situate, who shall place the same to the credit of the county institute fund, and the teachers of the schools of such district shall be entitled, in such case, to the advantages of the county institute, subject to the provisions of the preceding section; and the clerk of the board shall make the report of the institute required by section *forty hundred and ninety-four*. [70 v. 195, § 118.]

Institute for
teachers of ad-
jacent counties.

SEC. 4093. An association of teachers of several adjacent counties may organize an institute for the specific purpose of providing for the professional instruction of the teachers of the graded schools in such counties, and the boards of all city, village, and special districts within such counties may contribute from the institute and contingent funds under their control to defray the expenses there-

SEC. 4093. The various associations, as North Eastern, Central and Eastern Ohio Teachers' Association, may enjoy the benefits of this section, as under sec. 4094, they are not required to continue four days; but they must make report as directed in that section.

of, and may permit teachers employed by them to attend the institute one week; and such institute shall appoint a secretary, who shall make the report required by the next section. [70 v. 195, § 119.]

SEC. 4094. All institutes held under the provisions of this chapter, except the institute provided for by section *forty hundred and nine-three*, shall continue at least four days; and a report of each institute held in pursuance of the provisions of sections *forty hundred and ninety-two* and *forty hundred and ninety three*, shall be made to the commissioner of common schools, within thirty days after the adjournment thereof, which shall state the number of teachers in attendance, the names of instructors and lecturers, the total expenses of the institute, and the portion thereof paid from institute funds, and such other information relating to the institute as the commissioner may require. [70 v. 195, §§ 113, 115, 118.]

Length of session; report of certain institutes.

CHAPTER 14.

CINCINNATI AND TOLEDO UNIVERSITIES.

SECTION

- 4095. Common council of Cincinnati may accept educational trusts.
- 4096. How trust funds to be applied.
- 4097. Trusteeship to vest in city, etc.
- 4098. Board of directors—how appointed, etc.
- 4099. Powers of board.

SECTION *

- 4100. Citizens not to be charged for admission of children.
- 4101. Accounts and expenditures.
- 4102. When board may confer degrees.
- 4103. Site and grounds.
- 4104. When and how tax may be levied.
- 4105. Provisions of chapter applicable to city of Toledo.

SEC. 4095. The common council of the city of Cincinnati, in the name and behalf of the city, may accept and take any property or funds heretofore or hereafter given to the city for the purpose of founding, maintaining, or aiding a university, college, or other institution for the promotion of free education, and upon such terms, conditions, and trusts,

Common council of Cincinnati may accept educational trusts.

not inconsistent with law, as the common council may deem expedient and proper for that end. [67 v. 86, § 1.]

How trust
funds to be ap-
plied.

SEC. 4096. For the further endowment, maintenance, and aid of any university, college, or institution for the promotion of free education heretofore or hereafter so founded in said city, the common council thereof may, in the name and in behalf of the city, accept and take, as trustee, and in trust for the purpose aforesaid, any estate, property, or funds which have been or may be lawfully transferred to the city for such use, by any person or body corporate having the same, or any annuity or endowment in the nature of income which may be covenanted or pledged to the city toward such use by any person or body corporate; and any person or body corporate having and holding any estate, property, or funds, in trust or applicable for the promotion of education, or the advancement of any of the arts or sciences, may convey, assign, transfer, and deliver over the same to said city, as trustee in his or its place, or covenant or pledge its income, or any part thereof, to the same; and such estate, property, funds, or income shall be held and applied by such city in trust for the further endowment or maintenance of such university, college, or institution, in accordance, nevertheless, with the terms and true intent of any trust or condition upon which the same was originally given or held. [67 v. 86, § 2.]

Trusteeship to
rest in city,
etc.

SEC. 4097. Upon such transfer, and the acceptance thereof, the city and its successors, as trustee, shall become and be perpetually obligated and held to observe and execute such trust, in all respects, according to any further terms and conditions lawfully agreed upon at such transfer and acceptance; and any court having jurisdiction of the appointment of trustees of such trusts for educational purposes

may, in any proceeding for that purpose duly instituted and had, appoint and constitute said city, with the consent of the common council thereof, trustee of the estate, property, and funds so transferred to it, and may dispense with the bond or surety on the part the city for the performance of such trust, unless the same is required by the original terms or conditions thereof, and shall, upon the due transfer and acceptance of such trust by the city, release and fully discharge the trustee or trustees so transferring the same. [67 v. 86, § 2.]

SEC. 4098. The custody and management of any and all estate, property, or funds so given or transferred in trust to said city, and the entire administration of any and all such trusts so accepted by the common council thereof, and any university, college, or institution for the promotion of education, heretofore or hereafter so founded in or by said city, except the common and high schools thereof, shall be committed to a board of nineteen directors, of whom the mayor of the city shall be one, and the others shall be appointed by the common council, six of whom shall be appointed from persons of approved learning, discretion, and fitness for the office, citizens of the city, to be nominated to the common council by the board of education of the city; the term of office of such directors shall be six years, but of those first appointed three shall be appointed for one year, three for two years, three for three years, three for four years, three for five years, and three for six years, from the first day of January next following their appointment; such directors shall serve until the election and qualification of their successors; and any vacancy in the board, caused by expiration of term, resignation, removal, or other cause, shall be filled

Board of directors—how appointed, etc.

by appointment as herein provided, for the unexpired term.
[67 v. 86, § 3.]

Powers of
board.

SEC. 4099. As to all matters not herein or otherwise provided by law, the directors shall have all the authority, powers, and control vested in or belonging to said city, as to the management and control of the estate, property, and funds given, transferred, covenanted, or pledged to the city for the trusts and purposes aforesaid, and the government, conduct, and control of the university, college, or institution so founded; they may appoint a clerk, and all agents proper and necessary for the care and administration of the trust property, and the collection of the income, rents, and profits thereof, may appoint the president, professors, tutors, instructors, agents, and servants necessary and proper for such university, college, or institution, and determine their compensation, may provide all the necessary buildings, books, apparatus, and means and appliances, and pass all such by-laws, rules, and regulations concerning the president, professors, tutors, instructors, agents, and servants, and the admission, government, and tuition of students, as they deem wise and proper; but they may, by suitable by-laws, delegate and commit the admission, government, management, and control of the students, course of studies, discipline, and other internal affairs of such university, college, or institution, to the faculty which the directors may appoint from among the professors. [67 v. 86, § 3.]

Citizens not to
be charged for
admission of
children.

SEC. 4100. The citizens of said city, whose children, wards, or apprentices are admitted to such institution, shall not be charged for such admission, and no charge shall be made for the instruction of such pupils. [67 v. 86, § 3.]

SEC. 4101. The accounts of such trust estate, property, and funds, and of the income and expenditure thereof, shall

Cincinnati and Toledo Universities.

Ch. 14.

be kept by the city auditor entirely distinct from all other accounts or affairs of the city, and the moneys shall be kept by the city treasurer distinct from other moneys; and the directors shall at all times confine the expenditures within the income of the trust estate, property, and funds, and shall annually report to the common council a full statement of the accounts and administration of such trusts. [67 v. 86, § 3.]

Accounts and expenditures.

SEC. 4102. The directors of such university, college, or institution may, upon the recommendation of the faculty thereof, confer such degrees and honors as are customary in universities or colleges in the United States, and such others as, with reference to the course of studies and attainments of the graduates in special departments, they may deem proper. [67 v. 86, § 4.]

When board may confer degrees.

SEC. 4103. The common council of said city may set apart and appropriate, as a site for the buildings and grounds of the university, college, or institution so founded, any public grounds of the city not specially appropriated or dedicated by ordinance to any other use or purpose, any law to the contrary notwithstanding. [67 v. 86, § 5.]

Site and grounds.

SEC. 4104. The board of education of the city may, upon the application of said board of directors, assess and levy a tax on the taxable property of the city not exceeding one tenth of one mill on the dollar valuation thereof, to be applied by the board of directors to the support of such university, college, or institution; and the board of education shall also assess and levy, annually, not less than three hundredths nor more than five hundredths of one mill on the dollar of such valuation for the establishment and maintenance of an astronomical observatory, in connection with such university, college, or institution, the proceeds of which shall be paid to the board of directors, and ap-

When and how tax may be levied.

Ch. 14.

Cincinnati and Toledo Universities.

plied by them for said purpose exclusively. [67 v. 86, § 5 ; 75 v. 133, § 1.]

Provisions of
this chapter ap-
plicable to city
of Toledo.

SEC. 4105. The provisions of this chapter shall be applicable to the city of Toledo, except that the board of directors shall consist of thirteen members, and the rate of taxation to be assessed and levied shall not exceed one-half of one mill on the dollar of the taxable property of said city. [70 v. 117, § 1.]

STATE COMMISSIONER OF COMMON SCHOOLS.

FROM REVISED STATUTES, PART ONE, TITLE THREE,
CHAPTER THIRTEEN.



CHAPTER 13.

STATE COMMISSIONER OF COMMON SCHOOLS.

SECTION	SECTION
354. Election, term, and how vacancy filled.	361. Annual report to the general assembly or governor.
355. Bond.	362. What the report shall contain.
356. His office, and his attendance thereat.	363. Shall require reports from private schools, etc.
357. His duty to visit teachers' institutes, etc.	364. His duty on complaint of fraudulent use of money; appointment of examiner.
358. His supervision over school funds and school officers.	365. Powers, duties, and compensation of examiners.
359. Shall prepare and transmit forms and instructions.	366. Duty of judge and prosecuting attorney.
360. Shall cause school laws, with forms, etc., to be printed and distributed.	

SEC. 354. There shall be elected, triennially, at the general election for state officers a state commissioner of common schools, who shall hold his office for the term of three years from the second Monday of January succeeding his election; and in case of a vacancy occurring by death, resignation, or otherwise, the governor shall fill the same by appointment. [70 v. 195, § 102.]

Commissioner shall be elected.

Term of office.

Vacancy shall be filled by appointment.

SEC. 355. Before entering upon the discharge of his official duties, the commissioner shall give bond in the sum of five thousand dollars to the state, with two or more sureties, to the acceptance of the secretary of state, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and that he will faithfully perform the duties enjoined upon him according to law; which bond, with his oath of office indorsed thereon, shall be filed with the treasurer of state. [70 v. 195, § 103.]

His official bond:

And oath.

SEC. 356. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the state, at which he shall give at-

Office, etc., at the seat of government.

State Commissioner of Common Schools.

tendance not less than ten months in each year, except when absent on public business. [70 v. 195, § 104.]

His duties in visiting the several judicial districts.

SEC. 357. The commissioner shall visit, annually, each judicial district of the state, superintending and encouraging teachers' institutes, conferring with boards of education or other school officers, counseling teachers, visiting schools, and delivering lectures on topics calculated to subserve the interests of popular education. [70 v. 195, § 105.]

His supervision over school funds.

SEC. 358. He shall also exercise such supervision over the educational funds of the state as is necessary to secure their safety and right application and distribution according to law. He has power to require of county auditors, boards of education, clerks and treasurers of boards of education, or other local school officers, and county treasurers, copies of all reports by them required to be made, and all such other information in relation to the funds and condition of schools and the management thereof as he deems important. [70 v. 195, § 106.]

May require reports from certain officers.

Shall prepare forms, etc.

SEC. 359. He shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under the school laws, and cause the same, with such instructions as he deems necessary and proper for the organization and government of schools, to be transmitted to the local schools officers, who shall be governed in accordance therewith. [70 v. 195, § 107.]

Duties as to distribution of school laws, etc.

SEC. 360. He shall cause as many copies of the laws as are necessary, relating to schools and teachers' institutes, with an appendix of appropriate forms and instructions for carrying into execution all such laws, to be printed in a separate volume, and distributed to each county with the laws, journals, and other documents, for the use of the school officers therein, as often as any change in the laws is made

State Commissioner of Common Schools.

of sufficient importance, in the opinion of the commissioner, to require a republication and distribution thereof. [70 v. 195, § 108.]

SEC. 361. He shall make an annual report, on or before the twentieth day of January, to the general assembly, when that body is in session; and when not in session, the report shall be made to the governor, who shall cause the same to be published, and shall also communicate a copy thereof to the general assembly at the beginning of its next session. [70 v. 195, § 109.]

His annual report.

SEC. 362. In his annual report he shall present a statement of the condition and amount of all funds and property appropriated to purposes of education; a statement of the number of common schools in the state, the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of private or select schools in the state, so far as the same can be ascertained, and the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of teachers' institutes, the number of teachers attending them, and the number of instructors and lecturers, and the amount paid to each; a statement of the estimates and accounts of the expenditures of the public school funds of every description, a statement of plans for the management and improvement of common schools, and such other information relative to the educational interests of the state as he deems of importance. [70 v. 195, § 110.]

What it shall present.

SEC. 363. He shall, annually, require of the president, manager, or principal of every seminary, academy, and private school, a report of such facts, arranged in such form as he prescribes, and shall furnish blanks for such reports; and it is made the duty of every such president, man-

Shall require reports from private schools, etc.

State Commissioner of Common Schools.

ager, or principal, to fill up and return such blanks within the time the commissioner directs. [73 v. 225, § 1.]

Duties of commissioner on complaint of fraudulent use of money, etc.

SEC. 364. When a complaint is made to the state school commissioner, in writing, verified by the affidavits of at least three freeholders and tax-payers, resident of any school district in the state, alleging that they have good reason to and do believe that any portion of the school fund of such district has been expended contrary to law, or has been fraudulently, unlawfully, or corruptly used, or misapplied, by any of the officers of such district, or that there have been fraudulent entries in the books, accounts, vouchers, or settlement sheets thereof, by any of such officers, or that any of such officers have not made settlement of their accounts as required by law, he is authorized and required to appoint some trustworthy and competent accountant, for the purpose of investigating such complaint, who shall forthwith visit such school district and take possession of all the books, papers, vouchers, and accounts of such district, and investigate the truth of the allegations of such complaint, and the condition of the school fund of such district; and the several officers of such school district, on the application of such examiner, shall immediately place in his possession all their books, accounts, contracts, vouchers, and other papers having reference to the receipt and disbursement of the school funds; and the county auditor and county treasurer shall give such examiner free access to all the records, books, papers, vouchers, and accounts in their respective offices having reference to the object of such investigation. [72 v. 82, § 1.]

Appointment of an accountant to investigate charges.

Powers and duties of examiner.

SEC. 365. Such examiner shall have authority to call before him forthwith, upon written notice, and examine witnesses, under oath, to be administered by him; and he shall, immediately after completing such investigation,

 State Commissioner of Common Schools.

report in writing, in duplicate, setting forth the condition of the books, vouchers, and accounts of such district, the amount of school funds received for any and all purposes, and from whatever source, the amount expended, and for what, and the amount actually in the treasury, one copy of which report he shall file in the office of the clerk of the court of common pleas of the county in which such district is situate, and the other copy he shall transmit to the state commissioner of common schools at Columbus; and the examiner so appointed and performing the duties herein required, shall receive as compensation a per diem of three dollars for each day necessarily engaged in the performance of his duties, and shall also receive five cents for each mile by him necessarily traveled in that behalf; but no mileage shall be allowed for a greater distance than from Columbus to such district; and such compensation and mileage shall be paid out of the county treasury upon the warrant of the county auditor, and if the investigation establish the truth of any material allegation in such complaint, then such amount so paid shall be assessed by the county auditor upon the taxable property of the district, to be collected as other taxes are for the use of such county treasurer. [72 v. 82, § 2.]

His compensation.

Payment thereof.

SEC. 366. The judge of the court of common pleas of the proper county shall examine the report so filed in the clerk's office, as provided in the preceding section of this chapter, and if it appear therefrom that any part of the common or school fund has been fraudulently, unlawfully, or corruptly used or misapplied, or that there has been fraud in any of the entries, accounts, vouchers, contracts, or settlements, or that the settlements have not been made as required by law, or that there appears any defalcation or embezzlement on the part of any of the officers of such school district, he shall

Adverse report of examiner to be given in charge to the grand jury.

State Commissioner of Common Schools.

Duty of prosecuting attorney.

give the report specially in charge to the grand jury at the term of the court of common pleas next after the filing of the same ; and the prosecuting attorney of such county shall forthwith institute and carry forward such proceedings, civil or criminal, or both, against the delinquent officer or officers of such district as is authorized by law. [72 v. 82, § 3.]

APPENDIX.

FORMS AND INSTRUCTIONS.

[NOTE.—The following blanks are, in a great measure, the same as given in previous editions of the school law, with such revision and alterations as conformity with the present law rendered necessary. Several of the old forms, having become obsolete, are omitted, and a number of new ones, demanded by recent legislation, are added. Some modifications and a few new blanks, submitted by Florien Giaunique, Esq., member of the Cincinnati bar, have been adopted. Credit is due J. H. Brennehan, Esq., Chief Clerk in this office, for most of the proof reading and aid in the general arrangement of the manual.]

CHAPTER I.—FORMS FOR SCHOOL DIRECTORS.

[For enumeration forms, see Chapter III.]

I. NOTICE OF SUB-DISTRICT SCHOOL MEETING, FOR THE ELECTION OF DIRECTORS.

Notice is hereby given to the qualified voters of sub-district No. —, of — township, — county, Ohio, that the next annual school meeting for the election of a school director* in said district, will be held at the — school-house [or usual place] in said sub-district, on Monday, the — day of April, 188—, beginning at — o'clock in the — noon, [at noon] and closing at — o'clock in the — noon.
—, Clerk.

[The above notice to be posted in three or more conspicuous places, at least six days prior to the election. Chapter 4, Sections 3916 and 3917.]

* When two directors are to be elected, one for three years, and one to fill the unexpired term of a director who has vacated his office, this fact should be stated in the notice.

II. TALLY SHEET

Of the election held in sub-district number —, in the township of —, in the county of —, and State of —, on Monday, the — day of April, in the year A. D. 18—, to elect a director for said sub-district.

Names of candidates.	Tallies, showing number of votes given for each candidate.					Total.
.....						
.....						
.....						
.....						
.....						
.....						
.....						

We Certify

That ———— had ———— votes,

That ———— had ———— votes,

That ———— had ———— votes,

That ———— had ———— votes,

That ———— had ———— votes,

And that ———— had ———— votes,

for director of said sub-district, at the election above mentioned.

————, Chairman,

————, Secretary,

Judges.

[The poll-book and tally-sheet must be signed, and delivered within five days to the clerk of the township. Chapter 4, Section 3917.]

III. NOTICE OF SPECIAL SCHOOL MEETING.

Whereas, the qualified voters of sub-district number —, ———— township, ———— county, Ohio, failed to meet and elect a school director on the second Monday of April, 188—, as prescribed by law ;

Therefore, we, the undersigned qualified voters of the sub-district aforesaid, do hereby give notice that a special meeting of the qualified voters of said sub-district for the election of a school director,* will be held at the school-house [or usual place] of said sub-district on the — day of —, 188—, from — o'clock in the —noon, [at noon] to — o'clock in the —noon.

————,
 ————,
 ————,

Chapter 4, Section 3919.

* See note to form No. I.

IV. MINUTES OF SUB-DISTRICT SCHOOL MEETING.

Sub-District No. —, ——— Township, ——— County, Ohio,
———, 188—.

At a meeting of the qualified voters of said sub-district, held on the second Monday of April, 188—, [or, if a special meeting, give other date] ——— was appointed chairman, and ——— secretary.

Whereupon, said voters proceeded to elect by ballot, one director for said sub-district, for the term of three years [and one director for ——— year, to fill the unexpired term of ——— ———]; and upon inspection of the several ballots given at said election, it was found and publicly declared, that ——— was duly elected [for the full term, and ——— for the unexpired term.]

———, Chairman,
———, Secretary,

NOTE.—The clauses in brackets may be omitted when only one school director is elected. [See note to form No. II.]

V. CERTIFICATE OF ELECTION OF SCHOOL DIRECTORS.

———, ———, 188—.
To the Clerk of ——— Township, ——— County, Ohio:

This is to certify that at a meeting of the qualified voters of sub-district number ———, ——— township, held on the second Monday of April, 188—, [or, if special meeting, give other date] ——— was elected school director, for the term of three years.

Witness my hand.

———,
Clerk of Sub-District No. —.

VI. OATH OF SCHOOL DIRECTOR.

On the — day of —, 188—, personally appeared ———, and I then and there administered to him the following oath [or affirmation]:

You, ———, do solemnly swear [or affirm] that you will support the constitution of the United States, and the constitution of the State of Ohio, and that you will faithfully and impartially discharge the duties of director, in and for said sub-district, number —, ——— township, ——— county, Ohio, according to law, and the best of your abilities.

———,
Director in said Sub-District.

VII. APPOINTMENT OF SCHOOL DIRECTOR.

———, ———, 188—.

Whereas, ———, one of the directors in sub-district number —, ——— township, ——— county, Ohio, has resigned, [died, or refused to serve, or no special election was held, etc., as the case may be.]

Therefore, I do appoint ——— director in said sub-district, who shall hold his office until the time of the next annual meeting, and until his successor is elected and qualified.

———,
Clerk of said Township.

VIII. MEETING OF SCHOOL DIRECTORS.

_____, _____, 188—,

The school directors of sub-district number _____ township, _____ county, Ohio, this day met at _____, and legally qualified by taking the requisite oath of office.

Whereupon _____ was appointed clerk of said sub-district.

On motion, it was voted to employ _____ as teacher, at \$ _____ per month, and that the next term of school commence, etc.

_____,

Sub-District Clerk.

IX. CONTRACT BETWEEN DIRECTORS AND TEACHERS.

This memorandum of agreement, made the _____ day of _____, eighteen hundred and eighty _____, between _____ a school teacher, of the one part, and _____, _____ and _____, as school directors of sub-district number _____, _____ township, _____ county, Ohio, of the other part:

Witnesseth, that said _____ agrees to teach the public school of said sub-district for the term of _____ weeks, commencing on the _____ day of _____, eighteen hundred and eighty _____, for the sum of _____ per _____; and that for said services properly rendered, said _____ and _____, as directors aforesaid, are then and there to certify in favor of said _____ for the amount of wages due him, as ascertained by this article of agreement.

Witness our hands.

_____,
_____,

Directors.

X. CERTIFICATE FOR TEACHER'S PAY.

To the Clerk of _____ Township, _____ County, Ohio :

This is to certify, that _____, under a contract duly made and entered into, taught a common school in sub-district number _____, of said township, from the _____ day of _____, 188—, to the _____ day of _____, 188—, in all _____ weeks, at _____ per month; and that there is due him for said service the sum of _____.

_____,
_____,

Directors.

XI. CONTRACT FOR FUEL, REPAIRS, ETC.

This memorandum of an agreement, made this _____ day of _____, eighteen hundred and eighty _____, between _____, of the one part, and _____, _____ and _____, as directors of sub-district, number _____, _____ township, _____ county, Ohio, witnesseth: That said _____ agrees to deliver at the school-house in said sub-district, on or before the _____ day of _____ next, _____ bushels of coal or cords of wood] of a good quality, at _____ cents per bushel, or \$ _____ per cord.

And said ———, ——— and ———, as trustees as aforesaid, are then and thereupon to certify in favor of said ———, for the sum due for said fuel.

Witness our hands, etc.

_____,
_____,
_____,
_____,

Directors.

NOTE.—All contracts made under section 3987, chap. 8, of the school law must be reported to the township board at their next meeting.

XII. CERTIFICATE OF AMOUNT DUE FOR FUEL, ETC.

—————, 188—.

To the Board of Education of ——— Township, ——— County, Ohio :

This certifies that ——— has delivered at the school-house in sub-district number ———, ——— township, ——— bushels of coal, under a contract duly made and entered into, and that there is due him on said contract the sum of \$——.

Witness our hands.

_____,
_____,
_____,

Directors.

XIII. DISMISSAL OF TEACHER.

Whereas, it has been represented to us [or we have found] that ———, who has been employed and is now engaged in teaching a school in sub-district number ———, ——— township, ——— county, is negligent (*or here insert any other sufficient cause*) as such teacher. And, whereas, we have become satisfied of the truth of said representation :

Therefore, said ——— is hereby dismissed as teacher as aforesaid.

Witness our hands, ———, 188—.

_____,
_____,
_____,

Directors.

Or: Whereas, we have been required by the board of examiners of ——— county, to dismiss ———, now engaged as a teacher in sub-district number ———, ——— township, and county aforesaid, for the following causes :

(*Here set forth the causes :*)

Therefore, said ——— is hereby dismissed as teacher as aforesaid.

Witness our hands, ———, 188—.

_____,
_____,
_____,

Directors.

XIV. VISIT TO SCHOOL.

This day the undersigned, local directors in sub-district number ———, ——— township, ——— county, Ohio, in company with ——— and ———, who were invited for the purpose, visited the school in said sub-district, taught by ———, and the following was the result of the examination and visit:

They found, etc. (*Here set forth the opinion as to the management of the school, etc.*)

_____,
_____,

Directors.

CHAPTER II.—FORMS FOR TOWNSHIP BOARDS OF EDUCATION.

XV. NOTICE OF MEETING TO VOTE A TAX FOR BUILDING PURPOSES.

Notice is hereby given by the board of education of ——— township, ——— county, that there will be a special meeting of the qualified voters of said township at ———, on the ——— day of ———, at ——— o'clock ———, to consider the question whether a tax of ——— hundred dollars shall be levied upon the taxable property of said township to purchase a school-house site and to build and furnish a school-house [*or for either of these purposes as the case may be*] in sub-district ——— of said township, the erection of the school-house being, in the opinion of the board, necessary, and the rate of tax which the law authorizes the board to levy being insufficient for the purpose.

By order of the Township Board,

_____, *Clerk.*

_____, 188—.

[Chap. 8, Sec. 3991.]

XVI. NOTICE OF SPECIAL MEETING OF TOWNSHIP BOARD.

Notice is hereby given that there will be a meeting of the board of education of ——— township, ——— county, on the ——— day of ——— at ——— o'clock ———, at ———, to consider the question of ———, and other business which may be considered necessary to transact.

_____, 188—.

_____, *Clerk.*

XVII. CERTIFICATES OF ANNUAL ESTIMATES.

To the Auditor of ——— County :

It is hereby certified by the board of education of ——— township, ——— county, that the entire amount of money necessary to be assessed on the taxable property of said township, and expended therein, for school and school-house purposes, during the next school year, as directed in chap. 6, sec. 3958, is ——— dollars, as follows:

For continuing sub-district schools	\$ _____
For incidental or contingent expenses	_____
For building purposes	_____
For payment of teachers in central township school	_____
Total	_____

By order of the Township Board,

_____, *Clerk.*

_____, 188—.

XVIII. CERTIFICATE OF ANNUAL ESTIMATES FOR JOINT SCHOOL.

To the Auditor of ——— County :

It is hereby certified by the board of education of ——— township, ——— county, having charge of the school in joint sub-district number ———, composed of parts of ——— and ——— townships, that the amount of money necessary to be assessed on the taxable property of said townships, to pay the expenses of said joint school during the next school year, as directed in chap. 6, sec. 3961, is ——— dollars, as follows :

———— TOWNSHIP.

For continuation of joint school.....	\$ ———
For payment of all other expenses.....	———
Total	\$ ———

———— TOWNSHIP.

For continuation of joint school.....	\$ ———
For payment of all other expenses.....	———
Total	\$ ———

The number of youth enumerated in September last, in the respective parts of the townships included in said joint sub-district, was as follows : ——— township, ——— township, — ; total ———.

By order of the Board of ——— Township.

————, Clerk.

————, 188—.

NOTE.—In case the townships having territory in a joint sub-district are situated in different counties, a copy of the above certificate of estimates should be sent to the auditor of each county.

XIX. DIFFERENT MODES OF ALTERING SUB-DISTRICTS.

1

Resolved by the Board of Education of ——— Township, That so much of sub-district number — as is bounded as follows : (describe boundary), be transferred and united with sub-district number —.

2

Resolved by the Board of Education of ——— Township, That sub-district number — is hereby abolished, and so much of the territory of said abolished sub-district as is bounded as follows ; (describe boundary), is hereby transferred to and united with sub-district number — ; and so much of said abolished sub-districts as is not herein united with sub-district number —, is transferred to and united with sub-district number —. This resolution shall take effect on the — day of ———, 18—.

3

Resolved by the Board of Education of ——— Township, That so much of sub-district number — as is bounded as follows : (describe boundary), be cut off from said sub-district, and that so much of sub-district number — as is bounded as follows : (describe boundary),

be cut off from said sub-district, and that the territory thus cut off from sub-districts number — and — respectively, is hereby consolidated and formed into a new sub-district and designated sub-district number — of ——— township.

Resolved by the Board of Education of ——— Township, That sub-districts number — and — are hereby abolished, and that the territory included in said sub-districts at the time of their abolishment is hereby consolidated and formed into a new sub-district, and designated sub-district number — of ——— township. This resolution shall take effect on the — day of ———, 18—.

NOTE.—When a new sub-district is formed the township board should call a meeting of the qualified voters to elect local directors. [Chapter 4, section 3922.]

XX. NOTICE OF ELECTION IN A NEW SUB-DISTRICT.

WHEREAS, The board of education of ——— township, ——— county, did, at their last regular meeting, the third Monday of ———, abolish sub-district number — (or sub districts number — and —) and form from the territory of said sub-district, and so much of sub-district number — as is bounded as follows: (*describe boundary*), a new sub-district, to be known as sub-district number —:

Therefore, notice is hereby given to the qualified voters of said sub district, thus organized and designated, that a meeting for the election of three school directors will be held at ——— on the — day of —, from — o'clock — to — o'clock —, said election to be conducted as prescribed in chapter 4, section 3922.

By order of the Township Board.

———, Clerk.

———, 18—.

NOTE.—Of the persons elected at such special meeting, the person receiving the highest number of votes will hold his office until the third annual election thereafter; the person receiving the next highest number until the second annual election; and the person receiving the next highest number until the first or next annual election.

XXI. ORGANIZATION OF A JOINT SUB-DISTRICT SCHOOL.

RESOLUTION OF BOARD TRANSFERRING TERRITORY.

*Resolved by the Board of Education of ——— Township, That so much of sub-district number — as is bounded as follows: (*describe boundary*), is hereby transferred, if the board of education of ——— township concur in such transfer, to the said township for school purposes, to form with so much of said township as is bounded as follows: (*describe boundary*), a joint sub-district, the school-house therein to be situated in said ——— township.*

RESOLUTION OF THE BOARD RECEIVING THE TERRITORY TRANSFERRED.

*Resolved, That the board of education of ——— township hereby concurs in the action of the board of education of ——— township transferring so much of said ——— township as is bounded as follows: (*describe boundary*), to this ——— township for school purposes, to form with so much of the territory of this ——— township as is bounded as follows: (*describe boundary*), a joint sub-district with school-house in this ——— township.*

NOTE.—In case the sub-district is formed temporarily, or for a definite number of years, a clause to that effect should be added to each of the above resolutions.

XXII. PETITION TO BOARD OF EDUCATION.

[To be placed on file by the clerk of the board.]

To the board of education of ——— township, [direct.]

———, 18—.

GENTLEMEN: We, the undersigned electors, residing in the territory hereinafter scribed, do hereby most respectfully pray your honorable body to establish a joint sub-district embracing the territory bounded as follows: (*describe the boundaries and set forth reasons causing this petition.*)

And thus the undersigned shall ever pray, etc.

_____,
_____,
_____.

[Chapter 5, sections 3931 and 3932.]

XXIII. CLERK'S NOTICE TO MEMBERS OF BOARD.

———, 18—.

_____, _____, electors and residents of sub district, or [districts], number —,

DEAR SIR: You are hereby notified that a petition signed by _____, _____ township, or [townships], has been presented and filed, praying for the erection of a joint sub-district, to comprise the territory bound as follows: (*describe the boundaries.*)

The board will meet on _____, the _____ of _____, 188—, at _____ o'clock _____, for the purpose of considering the prayer of the petitioners. The presence of every member is desired.

_____, Clerk.

[Chapter 5, section 3933.]

N. B. A notice, like to the above, with a slight change required, must be sent "to the clerks of all other boards of education having jurisdiction over any of the territory sought to be affected; and such clerks, upon the receipt of such notice, shall in like manner give notice forthwith of the filing of such petition, and of the time and place of meeting to each member of their respective boards. [Chapter 5, section 3933.]

XXIV. PETITION TO PROBATE JUDGE.

_____, 188—.

Hon. _____, Probate Judge of _____ county, State of Ohio:

DEAR SIR:—We, the undersigned petitioners and electors, residents in the territory hereinafter described, do hereby most respectfully pray and petition you to appoint three judicious, disinterested men of _____ county, and not residents of the township [or townships or districts] to be affected by this petition, to consider the creation of a joint sub-district embracing the territory bounded as follows: [*describe the boundaries.*]

And thus we shall ever pray, etc.

_____,
_____,
_____.

[Chapter 5, sections 3934 and 3938.]

XXV. APPOINTMENT OF COMMISSIONERS BY PROBATE JUDGE.

_____, 188—.

Mr. _____.

DEAR SIR:—By virtue of authority conferred by school law, [chapter 5, section 3938] and in response to a petition on file in this office, I hereby name and appoint you a commissioner to consider the prayer of the petitioners—a copy of which petition will be laid before you—and you are hereby notified and directed to meet the other two commissioners, appointed for a similar purpose, on _____ the _____ day of _____, 188—, at _____ o'clock at the school-house in sub-district No. _____, _____ township, _____ county, [if not at school-house then designate the place] to consider the expediency of creating a joint sub-district, and report to this office the result of your deliberations.

_____, *Probate Judge.*

XXVI. REPORT OF COMMISSIONERS.

_____, 188—.

Hon. _____, *Probate Judge of _____ County, Ohio:*

DEAR SIR:—We, the undersigned commissioners, acting under your appointment and instructions dated the _____ day of _____, 188—, respectfully report that we met agreeable to notice and after due deliberation and consideration of facts have granted [refuse, as the case may be] the prayer of the petitioners, and have [not] established a joint sub-district, a plat and boundaries of which are hereby submitted, and have designated a site for a school-house [if there is no school-house within the boundaries given.]

_____,
_____,
_____.

Commissioners.

[Chapter 5, section 3941.]

NOTE:—Forms XXII, XXIII, XXIV, XXV, XXVI, may easily be varied to apply to the “creation of an additional sub-district, or for changing the lines of sub-districts, or for the creation of a special school district, or for changing the lines of special or village districts, and adjoining sub-districts.” [Chapter 5, section 3946.]

XXVII. ASSIGNMENT OF SCHOLARS TO CENTRAL HIGH SCHOOL.

The board of education of _____ township, _____ county met this day and assigned the following scholars to the Central High School:

From sub-district No. —:

A. B.

C. D.

Etc.

From sub-district No. —:

E. F.

G. H.

Etc.

(The assignment from each sub-district being specified in like manner.)

By order of the Township Board,

_____, *Clerk.*

XXVIII. APPOINTMENT OF LIBRARIAN.

_____ , 188—
 The board of education of _____ township, _____ county, has this day appointed _____ to act as librarian, and to take charge of the school apparatus of said township, for the term of _____ year.

By order of the Board,

_____, Clerk.

XXIX. BOND OF LIBRARIAN.*

Know all men by these presents, that we, _____ and _____, are held and bound unto the State Ohio in the sum of _____ hundred dollars, for the payment of which we jointly and severally bind ourselves, our and each of our heirs, administrators and assigns. Sealed with our seals this _____ day of _____, eighteen hundred and eighty—.

The condition of this obligation is such, that whereas, the board of education of _____ township, _____ county, on the _____ day of _____, eighteen hundred and eighty—, appointed and authorized said _____ to act as librarian and to take charge of the school apparatus in district No. _____ of said township.

Now, if said _____ shall faithfully, honestly, and impartially, and in accordance with such rules and regulations as may, from time to time, be prescribed by said board, discharge his duty under and by virtue of said appointment, for the term of _____ year, and until his successor shall be duly appointed, then his obligation shall be void.

_____, [SEAL.]

_____, [SEAL.]

Attested :

_____.

XXX. ORDER ON TOWNSHIP TREASURER FOR TEACHER'S PAY.

No. _____.

_____ , 188—.

To the Treasurer of _____ Township, _____ County, Ohio :

Pay _____ dollars for services as teacher in sub-district number _____, of said township, from _____, 188—, to _____, 188—, in all _____ weeks, at _____ per _____.

_____,
 Township Clerk.

\$_____.

Received on the above order, _____, _____, 188—, of _____, Township Treasurer, the sum of _____ dollars.

_____, Teacher.

*This bond is authorized but not required by law.

XXXI. ORDER ON TREASURER OTHER THAN FOR TEACHER'S PAY.

No. —.

_____, 188—.

To the Treasurer of _____ Township, _____ County, Ohio :

Pay _____, or order, _____ dollars, for (*specify for what purpose the money is paid*) from the contingent school fund (*or from the school building fund.*)

By order of the Township Board.

_____, Clerk.

\$—.

Received on the above order, _____, _____, 188—, of _____, Township Treasurer, the sum of _____ dollars.

_____.

XXXII. FORM OF DEED.

THIS INDENTURE, made the _____ day of _____, one thousand eight hundred and _____, between _____ and _____ his wife, of the county of _____, in the State of Ohio, parties of the first part, and _____, as township board of education of the township of _____, county and State aforesaid, party of the second part, witnesseth: That the said parties of the first part, in consideration of _____ to them duly paid before the delivery hereof, have bargained and sold, and by these presents do grant and convey, to the said party of the second part, its successors and assigns forever, [*here describe the premises*], with the appurtenances, and all the estate, title, and interest of the said parties of the first part therein. And the said parties of the first part do hereby covenant and agree with the said party of the second part, that at the time of the delivery hereof the said parties of the first part were the lawful owners of the premises above granted, and seized thereof in fee simple absolute, and that they will warrant and defend the above granted premises in the quiet and peaceful possession of the said party of the second part, and its successors and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Sealed and declared in presence of

_____. [SEAL.]

_____. [SEAL.]

_____.

The State of Ohio, _____ County :

Personally appeared before me, _____ and _____ his wife, grantors in the above deed, and acknowledged the same to be their voluntary act and deed; and the said _____ being at the same time examined by me, apart from her said husband, and the contents of the above deed made known to her, she there declared that she voluntarily signed, sealed, and acknowledged the same, and that she is still satisfied therewith.

Witness my hand and seal, this _____ day of _____, A. D. 188—.

_____.

NOTE.—The board should carefully investigate the title to property before purchasing, and no school-house should be erected until a satisfactory title is obtained. The property should be declared in the corporate name of the "Township Board of Education," and not in the name of the directors.

XXXIII. FORM OF LEASE.

THIS INDENTURE, made the — day of —, one thousand eight hundred and —, between —, of the county of —, in the State of Ohio, of the first part, and the township board of education of the township of —, county and State aforesaid, of the second part, witnesseth: That the said party of the first part, for the consideration hereinafter mentioned, has demised, granted, and leased, and does hereby demise, grant, and lease, unto the said party of the second part, its successors and assigns [*here describe the premises*], with all the privileges and appurtenances thereunto belonging. To have and to hold the said demised premises, with the appurtenances, for and during the term of — from the — day of —; and the said party of the second part, for itself and its assigns, agrees to pay the said party of the first part, for the said premises, the annual rent of — dollars, in quarter yearly installments, on the — day of —, respectively.

In testimony whereof, the said parties have herenunto set their hands and seals, this — day of —, A. D. 188—.

In presence of

—, [SEAL.]

—, [SEAL.]

Chairman of the Board.

—, [SEAL.]

Clerk.

State of Ohio, — County :

Before me personally appeared —, grantor in the above instrument, and acknowledged the same to be — voluntary act and deed, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name, this — day of —, A. D. 188—.

—.

NOTE.—If the lease be for three years or more, it must be acknowledged, attested by two witnesses, and recorded. If for a less term, it need not be executed with these formalities. The time of paying rent may be filled up according to contract. The consideration may be money, or anything else, and the form varied accordingly.

CHAPTER III.—ENUMERATION FORMS.

XXXIV. ENUMERATION OF YOUTH IN SUB-DISTRICTS. I.

Enumeration of youth between the ages of six and twenty-one years, residing in sub-district number —, — township, — county, Ohio.

Names of parents or guardians.	Names of white youth.		No. of section in which youth reside.
	Male.	Female.	
	Names of colored youth.		

RECAPITULATION.

Number of white youth Male, —; female, —; total, —.

Number of colored youth Male, —; female, —; total, —.

We hereby certify the above to be a correct list of the white and colored youth in sub-district number —, — township, — county, as taken between the first and third Mondays of September, 188—.

_____,
_____,
_____,
Directors.

_____, 188—.

NOTE.—This form is to be used in taking the enumeration of youth in sub-districts, no part of which is in the Virginia Military District, the United States Military District, the Western Reserve, or an original surveyed township or fractional township to which belongs section sixteen.

XXXXV. ENUMERATION OF YOUTH. II.

Enumeration of youth between the ages of six and twenty-one years, in sub-district number _____, _____ township, _____ county, Ohio, composed in part of township _____, range _____, Virginia Military District; in part of township _____, range _____, United States Military District; in part of, etc., taken _____, 188—.

Names of parents or guardians.	Names of white youth.		No. of section in which youth reside.	Virginia Military. T ^p - , R- .	U. States Military. T ^p - , R- .	Western Reserve. T ^p - , R- .	Original surveyed township. (Section Sixteen.)	
	Male.	Female.					T ^p - , R- .	T ^p - , R- .
Total								

RECAPITULATION.

Number of white youth	 Male, ... Female, ... Total, ...
Number of colored youth	 Male, ... Female, ... Total, ...

We hereby certify the above to be a correct list of the white and colored youth in sub-district number _____, _____ township, county, taken between the first and third Mondays in September, 188—. [Chapter 10, Section 4033.]

September —, 188—.

NOTE.—When a youth resides in the Virginia Military District, the United States Military, Western Reserve, or an original surveyed township, put a mark in the proper column opposite his or her name. The “total” at the foot of each of these columns should include *all* the youth enumerated in such military or other district, or original surveyed township, without distinction *as to sex or color*.

Directors.

Number of white youth	Male, ...	Female, ...	Total, ...
Number of colored youth	Male, ...	Female, ...	Total, ...

XXXVI. ENUMERATION RETURNS OF TOWNSHIP CLERK TO COUNTY AUDITOR.

An abstract of the enumeration of youth between the ages of six and twenty-one years, in _____ township, _____ county, Ohio, taken and returned to the undersigned, clerk of said township, by the directors of the several sub-districts, between the first and third Mondays of September, 188-.

Number of each sub-district.	Number of white youth.			Number of colored youth.			Whole No. of white and colored unmarried youth of both sexes between the ages of 6 and 21 yrs in each sub-district.	*	*.	*	*
	Male.	Female.	Total.	Male.	Female.	Total.					
Sub-District No. 1.....											
" 2.....											
" 3.....											
" 4.....											
" 5.....											
" 6.....											
Total.....											

I certify the foregoing to be correct.

_____, Township Clerk

_____, Ohio, _____ 188-.

NOTES.—In case the whole or a portion of the township is situated in the Virginia Military District, United States Military District, or in Connecticut Western Reserve, or in case the township includes the whole or a part of an original surveyed township entitled to the rent or interest of "Section Sixteen," or other land in lien thereof, the number of youth in said districts, or original surveyed township should be reported in the blank columns, marked thus (*), with proper headings.

The local directors of a joint sub-district are required to take the enumeration of all youth of school age, resident therein, and to return a certified copy of such enumeration to the clerk of each township having territory in such joint sub-district, stating in each case the number of youth, male and female, residing in the joint sub-district as a whole, and also in each of the fractional parts of which it is composed. The enumeration in each fractional part of a joint sub-district must be returned to the county auditor by the clerk of the township in which such fractional part is situated. [Chap. 10, sec. 4034.]

Abstract of enumeration, taken between the first Monday in September and the first Monday in October, 188-, of the unmarried youth between the ages of six and twenty-one years, residing within the county of _____, State of Ohio.

[illegible]

Auditor of said County.

* The enumeration of youth in cities and other separate school districts should be given separate from the townships in which they are situated.

XXXVIII. TOWNSHIP TREASURER'S BOND.

Know all men by these presents : That we, _____, as principal, and _____ as sureties, are held and firmly bound unto the state of Ohio, in the sum of _____ dollars, to be paid to the state aforesaid, for the payment whereof well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed by our seals, and signed by us this _____ day of _____ A. D. eighteen hundred and _____.

The condition of the above obligation is such that, Whereas, the said _____ has been duly elected and qualified as treasurer of _____ Township, _____ county, and state of Ohio, for the term of one year from the _____ day of April A.D., 18—, and until his successor is elected or appointed, and qualified, and is therefore ex-officio treasurer of the board of education of the township district of said township.

Now, if the said _____ shall faithfully disburse, according to law, all school funds which come into his hands, then this obligation will be void ; otherwise it will be and remain in full force and effect.

[SEAL.] _____,

[SEAL.] _____,

[SEAL.] _____.

The above bond approved by said board.

Attest :

_____,
President of said board.

_____,
Clerk of said board.

The state of Ohio, _____ county, _____ township, ss. :

Before me, _____, clerk of said township, personally came _____, who, being duly sworn according to law, says that he will support the constitution of the United States, and the constitution of the state of Ohio ; and that he will faithfully discharge his duties as treasurer of the board of education of the township district of _____ township, _____ county, Ohio, during his continuance in said office, and until his successor is chosen and qualified.

Sworn to before me and signed in my presence, on this _____ day of _____, A.D., 18—.

_____,
Township Clerk.

XXXIX. CERTIFICATE OF TREASURER'S BOND.

To the auditor of _____ county :

_____, 18—.

It is hereby certified that _____ has executed and filed with me a bond for the faithful disbursement, as a treasurer of _____ township, _____ county, of all school funds that may come into his hands as such treasurer ; which bond, dated April —, 18—, is in the penalty of _____ dollars, and has been approved by the trustees of said township.

_____,
Clerk of said township.

NOTE.—The above can be altered so as to apply to the bond of the treasurer of a separate school district.

XL. TREASURER'S BOND.

Know all men by these presents: That we, _____, as principal, and _____ as sureties, are held and firmly bound unto the state of Ohio, in the sum of _____ dollars, to be paid to the state aforesaid, for the payment whereof well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals, and signed by us this _____ day of _____, A. D. eighteen hundred and _____.

The condition of the above obligation is such that, Whereas, the said _____ has been duly chosen and qualified as treasurer of the board of education of the* _____ district of _____, in _____ township, _____ county, and state of Ohio, for the term of one year from the _____ day of April, A. D. 18—, and until his successor is chosen and qualified.

Now, if the said _____ shall faithfully disburse, according to law, all school funds which come into his hands, then this obligation will be void; otherwise it will be and remain in full force and effect.

[SEAL.] _____,

[SEAL.] _____,

[SEAL.] _____.

The above bond approved by said board.

Attest:

_____,
President of said board.

_____,
Clerk of said board.

The state of Ohio, _____ county, _____ township, ss.:

Before me, † _____, personally came _____, who, being duly sworn, according to law, says that he will support the constitution of the United States, and the constitution of the state of Ohio; and that he will perform faithfully his duties as treasurer of the board of education of the* _____ district of _____, in _____ township, _____ county, Ohio, during his continuance in said office, and until his successor is chosen and qualified.

Sworn to before me and signed in my presence, on this _____ day of _____ A. D., 18—.

_____,
_____ of said board.

XLI. CLERK'S BONDS.

Know all men by these presents: That we, _____ as principal, and _____ as sureties, are held and firmly bound unto the State of Ohio, in the sum of _____ dollars, to be paid to the state aforesaid, for the payment whereof well and truly to be made, we jointly and

* Here write "village" or "special," as may be.

† The oath may be administered by the clerk of the board, or any of its members. Here write (using correct name) "A. B., clerk (or, a member) of the board below named."

severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals, and signed by us this _____ day of _____ A. D. eighteen hundred and—.

The condition of the above obligation is such that, whereas, the said _____ has been duly chosen and qualified as Clerk of the Board of Education of * _____ District of _____, in _____ township, _____ county, and State of Ohio, for the term of one year from the _____ day of April A. D. 18—, and until his successor is chosen and qualified.

Now, if the said _____ shall faithfully perform all the official duties required of him as Clerk of said Board, then this obligation will be void: otherwise it will be and remain in full force and effect.

[SEAL.] _____,

[SEAL.] _____,

[SEAL.] _____.

The sureties on the above bond, and its amount, approved by said Board.

Attest:

_____,

President of said Board.

_____,

Clerk of said Board.

The State of Ohio, _____ County, _____ Township, ss.:

Before me, † _____ personally came _____, who, being duly sworn according to law, says that he will support the Constitution of the United States and the Constitution of the State of Ohio; and that he will faithfully discharge his duties as Clerk of the Board of Education of the * _____ District of _____, in _____ Township, _____ County, Ohio, during his continuance in said office, and until his successor is chosen and qualified.

Sworn to before me and signed in my presence, on this _____ day of _____ A. D. 18—.

_____,
_____ of said Board.

XLII. TOWNSHIP CLERK'S BOND.

Know all men by these presents: That we, _____ as principal, and _____ as sureties, are held and firmly bound unto the State of Ohio, in the sum of _____ dollars, to be paid to the state aforesaid, for the payment whereof well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals, and signed by us this _____ day of _____ A. D. eighteen hundred and —.

The condition of the above obligation is such that, whereas, the said _____ has been duly elected and qualified as Clerk of _____ Township, _____

* Here write "village" or "special," as may be.

† The oath may be administered by the outgoing Clerk of the Board, or by any of its members. Here write (using correct name) "A. B., Clerk (or, a member) of the Board below named.

County, and State of Ohio, for the term of one year from the ——— day of April A. D. 18—, and until his successor is elected, or appointed, and qualified, and is therefore ex-officio Clerk of the Board of Education of the township district of said township.

Now, if the said ——— shall perform faithfully all the official duties required of him as clerk of said Board, then this obligation will be void; otherwise it will remain in full force and effect.

[SEAL.] _____,

[SEAL] _____,

[SEAL.] _____.

The sureties on the above bond, and its amount, approved by said Board.

Attest:

_____,
President of said Board.

_____,
Clerk of said Board.

The State of Ohio, ——— County, ——— Township, ss.:

Before me, _____, Clerk of said Township, personally came _____, who, being duly sworn according to law, says that he will support the Constitution of the United States and the Constitution of the State of Ohio; and that he will faithfully discharge his duties as Clerk of the Board of Education of the Township District of _____ Township, _____ County, Ohio, during his continuance in said office, and until his successor is chosen and qualified.

Sworn to before me and signed in my presence, on this _____ day of _____ A. D. 18—.

_____,
Township Clerk.

XLIII. REPORT AND CERTIFICATE OF SCHOOL FUNDS IN TREASURY.

We hereby report and certify that we this day, in the presence of the clerk of the board, counted all the money, bonds and securities in the hand of _____, Treasurer of _____ township [or _____ district] and find the sum of _____ dollars [and bonds and other securities amounting to _____ dollars] of school funds in his possession.

In accordance with the above facts, and in compliance with law, we hereby certify that the said sum of _____ dollars [and bonds, etc., in value amounting to _____ dollars] school funds were in the treasury on this _____ day of _____, 188—; and that we have directed the clerk to enter upon the records of the board a copy of this report

(Signed.)

_____,
_____,
_____,
Board [or Committee.]

Attest:

_____, *President.*
_____, *Clerk.*

XLIV. FINAL RECEIPT OF TOWNSHIP TREASURER.

Received, ———, 188—, of ———, late treasurer of ——— township,
 ——— county, the following moneys and school property, to-wit: ——— dollars,
 being part and parcel of the ——— fund, also, etc.

—————,
Treasurer.

XLV. FINAL RECEIPT OF TOWNSHIP CLERK.

Received, ———, 188—, of ———, late clerk of ——— township,
 the school money account-book, the record book of the township board, the copy of
 the school laws, the certificate and reports of teachers required by law to be filed in his
 office, and the other official books and papers relating to schools. in his hands.

—————,
Clerk of said Board.

[Chapter 10, section 4054.]

NOTE.—The incoming clerk should be specially careful to receive all the books and documents specified in the above receipt. This form can readily be altered to answer for any other district.

XLVI. TEACHER'S DAILY REGISTER.

Daily Register of Sub-District No. —, ——— Township, ——— County, Ohio, for the Term commencing ———, 188—, and ending ———, 188—. [——— Term of School Year.]

No.	Names of pupils.	March.												April.												Total days present.	Total day absent.				
		14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6			7	8	9	
1	Charles Ames ..	x	x	x	/	x	...	4	x	x	x	x	x	5	x	x	x	x	x	x	...	4	x	x	x	x	x	4	17	3	
2	Willis Ames ...	x	x	x	x	...	...	3	x	x	x	x	x	5	x	x	x	x	x	x	...	5	x	x	x	x	x	4	17	3	
3	John Brown ...	x	x	x	x	x	...	4½	x	x	x	x	x	4	x	w	x	x	x	x	...	1	x	x	x	x	x	9½	1½		
4	Floyd Smith ...	...	...	...	x	x	...	3	x	...	x	x	x	3½	x	x	x	x	x	x	...	5	x	x	x	x	x	5	16½	1½	
5	Frank Spencer ..	...	...	...	...	...	...	...	...	...	...	...	...	...	x	x	x	x	x	x	...	5	x	x	x	x	x	4	9	1	
6	Mary Ames ...	x	x	x	x	x	...	5	x	x	x	x	x	5	x	x	x	x	x	x	...	5	x	x	x	x	x	5	20	0	
7	Jane Abbott ...	...	...	...	x	x	...	3	x	x	/	x	x	4	x	x	/	x	x	x	...	3½	x	x	x	x	x	5	15½	2½	
8	Carrie Dodge ...	x	x	x	x	x	...	5	x	/	x	x	x	4½	x	x	x	x	w	x	...	4	x	x	x	x	x	...	13½		
9	Anna Smith ...	x	x	x	x	x	...	5	...	...	...	...	...	0	x	x	x	x	x	x	...	5	x	x	x	x	x	4	14	6	
10	Sally Turner ..	...	...	...	...	...	...	...	x	x	x	x	x	5	/	x	x	x	x	x	...	4	x	x	x	x	x	5	14	1	
11	Sarah Bell	...	...	...	...	...	...	...	...	...	...	x	x	2	/	x	x	x	x	x	...	4½	/	x	x	x	7	4	10½	1½	
Av. age		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total { Days present		...	...	...	...	...	...	32½	...	...	...	...	...	38	...	...	...	...	...	...	...	46	...	...	...	...	...	40	156½	21½	
Days absent.		...	...	...	...	...	...	3½	...	...	...	...	...	9	...	...	...	...	...	...	...	4	...	...	...	...	...	5	...	...	

NOTE.—The above presents a very simple and convenient mode of keeping a daily record of the attendance of pupils. An oblique line made from right to left (/) indicates that a pupil was present in the forenoon; an oblique line made from left to right (\) that he was present in the afternoon; and two oblique lines crossing each other (X) that he was present both forenoon and afternoon. "w" indicates that a pupil is withdrawn. A pupil is not counted as *absent* before he enters school, nor after he has withdrawn. A record of the punctuality of each pupil may also be kept by placing a small figure denoting the number of minutes of tardiness just above the mark of attendance; or tardiness in the forenoon may be denoted by a dot thus, (·X) and tardiness in the afternoon by a dot thus, (X·). The above form is filled and footed to illustrate the method.

Term Register of Sub-District School No. _____, _____,
For the term commencing _____

— TERM OF

[illegible]

DIRECTIONS TO TEACHERS.

1. *Names of pupils.*—Arrange the names of pupils in alphabetical order, with at least one blank line between the names of the two sexes.
2. *Days present.*—Write in this column the number of days each pupil was in attendance during the year.
3. *Days absent.*—Report only the number of days the pupil was absent while a member of the school. Do not count the days before he entered nor after he was withdrawn.
4. *Pupils enrolled previous term.*—If the report is made for the second or final term of the school year, place a check-mark (x) in this column opposite the names of all pupils enrolled the previous term. If the report is made for the first term of the school year, this column is not to be filled, since the "previous term" in that case would not be in the current year.

TERM REGISTER.

_____, Township, _____ County, Ohio.

18—, and ending _____, 188—.

SCHOOL YEAR.

of study pursued.

Mental arithmetic.	Written arithmetic.	Geography.	English grammar.	Oral lessons.	Composition.	Drawing.	Vocal music.	U. S. History.	Algebra.	Remarks.	General summary.		
											No of pupils enrolled.		
											Male.	Female.	Total.
											No enrolled previous term. (For 2d term.)		
											Male.	Female.	Total.
											Average daily attend'ce.		
											Male.	Female.	Total.
											Average daily absence.		
											Male.	Female.	Total.
											Average age of pupils.		
											Male.	Female.	Total.
											Name of author of text-book.		
											Reading:	.....	
											Spelling:	.....	
											Writing:	.....	

5. *Branches of study.* To denote that a pupil pursued a given branch of study, place a figure one (1) in the proper column, opposite the pupils name. If he pursued the same study the previous term of the current year, place a figure two (2) in the proper column. Under the head of "alphabet" mark those pupils that received their *first lesson in reading*, whatever the mode of teaching. By "oral lessons" is meant all *regular oral instruction*, whatever the subjects thus taught; book lessons are not included.

6. *Rule for finding the average daily attendance.*—Add together the number of days the different pupils were in attendance, and divide the sum by the number of days the school was in session. The average daily absence is found in a similar manner.

7. *Rule for finding the average age of pupils.*—Divide the sum of the ages of all the pupils by the number of pupils.

XLVIII. TEACHER'S REPORT TO THE TOWNSHIP CLERK.

Report of School in Sub-District No. —, —, — Township, —, — County, Ohio, for the term commencing — 188—, and ending —, 188—.

No.	Names of pupils.	Age.	No. of days present.	No. of days absent.	Pupils enrolled previous term (See Direction 5.)	Branches of study pursued.											Remarks.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
						Alphabet.	Reading.	Spelling.	Writing.	Mental arithmetic.	Written arithmetic.	Geography.	English grammar.	Oral lessons.	Composition.	Drawing.		Vocal music.	U. S. history.	Algebra.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
1	<i>Boys.</i> Charles Ames Willis Ames John Brown Floyd Smith Frank Spencer	8	17	3	X	1	2	2	1	1	1	1	1	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

(N. B.—This report must be made out and filed with the township clerk before an order is issued on the treasury for the amount due the teacher for his services. The clerk should carefully examine the same to see that it is "full and complete," as is required by law.)

RECAPITULATION AND GENERAL REPORT.

School.	No. of pupils enrolled.			No. of pupils twice enrolled. (Direction 5.)			Average daily attendance.			Average age of pupils.	No. of weeks school was in session.	No. of school days in a week.	Wages of teacher pr. mo. (4 weeks.)	Was teacher boarded by sub-district? (Yes or no.)	Value of school house and grounds.	Value of apparatus.
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.							
Sub-District No. 1.....	5	6	11	3	4	7	3.4	4.4	7.8	10.3	4	5	\$35	No.	\$	\$

BRANCHES OF STUDY TAUGHT, NUMBER OF PUPILS IN EACH, AND NAME OF TEXT-BOOK.

Branch of study.	No. of pupils.	Both terms.	Name of text-book.	Branch of study.	No. of pupils.	Both terms.	Name of text-book.
Alphabet.....	1	7	.....	Oral lessons.....	4	1	.....
Reading.....	11	7	.....	Composition.....	6	4	.....
Spelling.....	11	7	.....	Drawing.....	7	4	.....
Writing.....	9	6	.....	Vocal music.....	10	.....	.....
Mental arithmetic.....	6	4	.....	U. S. history.....	.....	.....	.....
Written arithmetic.....	6	3	.....	Algebra.....	.....	.....	.....
Geography.....	6	4	.....	.....	.....	.....	.....
English grammar.....	4	2	.....	.....	.....	.....	.....

The above report is correct.

For directions, see next page.

Teacher of Sub-District No.

TEACHER'S REPORT TO THE TOWNSHIP CLERK—*Concluded.*

DIRECTIONS TO TEACHERS.

1. *School Year.*—The school year begins on the first day of September and ends on the last day of the following August. Two terms (or quarters) of school are usually taught each school year in each sub-district. The second term should close on or before the last day of August.

2. *Names of Pupils.*—Arrange the names of pupils in alphabetical order, with at least one blank line between the names of the two sexes.

3. *Days Present.*—Write in this column the number of days each pupil was in attendance during the term.

4. *Days Absent.*—Report only the number of days the pupil was absent while a member of the school. Do not count the days before he entered nor after he was withdrawn.

5. *Pupils Enrolled Previous Term.*—If the report is made for the SECOND or final term of the school year, place a check-mark (X) in this column opposite the names of all pupils enrolled the previous term. If the report is made for the FIRST term of the school year, this column is NOT to be filled, since the "previous term" in that case would not be in the current school year. The number of pupils' names thus checked (X) should be entered in the "Recapitulation and General Report," in the columns headed "No. of Pupils Twice Enrolled."

6. *Branches of Study.*—To denote that a pupil pursued a given branch of study, place a figure one (1) in the proper column, opposite the pupil's name. If he pursued the same study the previous term of the current school year, place a figure two (2) in the proper column. In making a report for the SECOND TERM, give in the columns headed "Both Terms," the number of pupils that pursued the same study both terms of the school year. An occasional exercise in a given study should not be considered.

7. *Alphabet.*—Under this head report the number of pupils that received their first lessons in reading, whatever the mode of teaching.

8. *Oral Lessons.*—Include all pupils that received regular oral instruction, whatever the subjects thus taught; book lessons are not included.

9. *Remarks.*—Opposite each name enter a "remark," stating from what school the pupil was received, if registered in another school in the same township or district, at any time during the school year; or what school he entered, if transferred or withdrawn during the year. The object of these remarks is to show in what school the pupil was last registered.

10. *Rule for Finding the Average Daily Attendance.*—Add together the number of days the different pupils were in attendance, and divide the sum by the number of days the school was in session. The average daily absence is found in a similar manner.

11. *Rule for Finding the Average Age of Pupils.*—Divide the sum of the ages of all the pupils by the number of pupils.

12. A School Week shall consist of five days, and a school month of four school weeks. (Chap. 9, sec. 4016.)

13. *Teacher's Board.*—If the teacher "boarded around," or if his board was paid for by the district in addition to his wages, the answer to the question on this subject will be "yes;" if the teacher boarded himself, the answer will be "no."

14. *School-houses and Apparatus.*—An estimate of their value can easily be obtained of the directors of the sub-district. Report to the township clerk, on a separate piece of paper, the condition of the school-house, school furniture, and school apparatus (outline maps, etc.); also, the repairs needed.

SUB-DISTRICT TEACHERS' REPORTS.—*Concluded.*

Number of pupils in each branch of study.
(Additional columns may be ruled for other branches, if needed.)

[illegible]

In case only one term of school was taught during the year, the teacher's report may be copied in the columns headed "*total for the year.*"

The columns headed "*true enrollment*" need not be filled unless the clerk wishes to find the number of *different* pupils enrolled in *each* school. The true enrollment of all the schools in the township may be found by subtracting the number of pupils "*twice enrolled*" from the sum of the enrollments for the two terms ("*total for the years.*") The number of pupils "*twice enrolled*" is the number reported in the teacher's reports for the *second* term of the year as "*enrolled the previous term.*" The number of pupils *twice* enrolled should be accurately reported, as each pupil enrolled in the township must be counted but *once*.

L. REPORT OF THE BOARD OF EDUCATION

Of _____ Township, _____ County, Ohio, to the County Auditor, for the school year ending August 31, 18—.

(To be forwarded to the county auditor on or before the first day of October.)

RECEIPTS.

Amount of school moneys received during the year from the following sources, viz :

Balance on hand September 1, 188—	.....	\$	_____
State tax	.....		_____
Irreducible school funds, (see direction 1).....	.....		_____
Township tax for school and school-house purposes.....	.....		_____
Fines, licenses, tuition of non-resident pupils, and other miscellaneous sources .....	.....		_____
Amount received from "adjoining townships" for support of joint sub-dis- school, (see direction 1).....	.....		_____

Names of adjoining tps.	State funds.	Tp. tax.	Total.
_____	\$_____	\$_____	\$_____
_____	_____	_____	_____
Total receipts.....			\$_____

EXPENDITURES.

Whole amount paid teachers during the year—

Common, \$— ; High, \$— ; German, \$— ; Colored, \$— ; Total.....	\$_____
For sites, buildings, and repairs.....	_____
For fuel and other contingent expenses.....	_____
Amount paid to other townships for support of joint sub-district schools....	_____

Names of adjoining tps.	State funds.	Tp. tax.	Total.
_____	\$_____	\$_____	\$_____
_____	_____	_____	_____

Total expenditures.....	\$_____
Balance on hand September 1, 188—	\$_____

ENROLLMENT, ATTENDANCE, NUMBER AND WAGES OF TEACHERS, ETC.

School.	1. Number of schools in township. (See direction 2.)		2. Number of pupils enrolled. (See direction 3.)		3. Average daily attendance. (See direction 4.)		4. Number of different teachers employed. (See direction 5.)		5. Average wages of teachers per month of four weeks. (See direction 6.)		6. Number of sub-districts that boarded teachers. (See direction 6.)		7. Number of weeks schools were in session during the year. (See direction 7.)		8. (*)	
			Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Male.	Female.	Weeks.	Months.		
Common																
Central or High																
German and English																
Colored																
Total																

(*) 2. Number of weeks each sub-district school was taught during the year: Sub-district No. 1, —; No. 2, —; No. 3, —; No. 4, —; No. 5, —; No. 6, —; No. 7, —; No. 8, —; No. 9, —; No. 10, —; No. 11, —; No. 12, —.

SUB-DISTRICTS, SCHOOL-HOUSES, APPARATUS, ETC.

1. Number of sub-districts in township: Single, —; joint, —; total.... _____
(Joint sub-districts to be reported *only* in township in which *school house is located*.)
2. Number of sub-districts that contain a graded school of two or more departments (see direction 2) _____
3. Number of school days in a week _____
4. Number of school-houses erected during the year _____
5. Cost of the same \$_____
6. Whole number of school-houses in township _____
7. Total value of school-houses and grounds \$_____
8. Condition of school-houses.
9. Value of school apparatus \$_____
10. Condition of school apparatus.
11. How were colored youth of school age (if any) in the township provided with school advantage?
(Answer will be "by separate schools," or "by admission to common schools," or "Were not provided.")
12. Amount paid by the board for their instruction in separate school, if not admitted to the common schools \$_____

BRANCHES OF STUDY TAUGHT AND NUMBER OF PUPILS IN EACH.

Branch of study.	No. of pupils.	Name of author of text-book.
Alphabet		
Reading		
Spelling		
Writing		
Mental arithmetic.....		
Written arithmetic		
Geography		
English grammar		
Composition		
Drawing		
Vocal music		
Map drawing		
Oral lessons		
United States History		
Algebra		
Physiology		
Physical geography		
Natural philosophy		
German		

PRIVATE SCHOOLS.

(These items are not required to be reported by law, but clerks will greatly oblige the Commissioner by reporting them as fully as possible.)

1. Number of private or select schools in township _____
2. Number of teachers employed therein _____
3. Number of weeks these schools were in session during the year _____

4. Number of pupils enrolled: Male, —; female, —: total..... —
 5. Branches of study taught.

I certify the foregoing to be correct.

By order of the Board of Education :

_____, Ohio, _____, 188—, _____, Clerk.

EXPLANATIONS AND DIRECTIONS.

The accompanying blank must be filled out and forwarded to the county auditor *on or before* THE FIRST DAY OF OCTOBER. Clerks are instructed to fill the blanks in accordance with the following directions :

1. RECEIPTS AND EXPENDITURES.

By "Irreducible School Funds" is meant all funds received from the State as interest on the Virginia Military, United States Military, or Western Reserve School Funds, and the rent of or the interest on the proceeds of the sale of "Section Sixteen."

All money paid by non-resident pupils for tuition in any school in the township must be reported under the head of *Receipts*.

All school moneys paid by the adjacent townships for the support of a joint sub-district school, must be reported by the respective boards of such townships, as a separate item, under the head of *Expenditures*, and the moneys thus received from the adjacent townships by the board having charge of such joint school, must be reported by said board as a separate item, under the head of *Receipts*.*

All claims upon the school fund for expenses incurred during the school year, should be settled, and orders drawn upon the treasurer for their payment *previous to August 31*; and all such orders, whether paid or not by the treasurer previous to August 31, must be reported by the clerk in the expenses for the school year. All school terms must close previous to August 31. In case a Fall term of any school is held, commencing before the first of September, the *entire* term must be reported in the next school year.

2. NUMBER OF SCHOOLS.

There will usually be as many common schools in a township as there are sub-districts or school-houses. When a sub-district school is sufficiently large to employ two or more teachers, and is organized on the graded plan, it should be reported as but *one* school. Such a school is a sub-district graded school. A joint sub-district school should be reported *only* by the clerk of the township in which the school-house is located. The entire joint sub-district, so far as reports are concerned, must be regarded as within such township.*

Every sub-district school is made by law a *common school*, and should, in no instance, be reported as a "German and English school." A "German and English school" is one regularly organized in *addition* to the sub-district schools. Like a colored school, it

* All funds for the support of a joint sub-district school are required by law to be paid over to the board of education having charge of such joint school, and the expenses, enrollment, etc., of such joint school are *all* (enumeration excepted) to be included in the school returns of the township in which the school-house is situated.

is organized for a *class* of pupils, and is not, therefore, a *common* sub-district school. When a portion of the pupils in a sub-district school are taught to read German as well as English, the German should simply be reported as a branch of study.

Every school organized specially for colored youth must be reported as a colored school, whether taught for a longer or shorter period of time.

3. NUMBER OF DIFFERENT PUPILS ENROLLED.

This item is often reported incorrectly, owing to the fact that many pupils are enrolled *twice* each year—once each term. Having found the whole number of pupils, male and female, enrolled in all the schools of the township each term, the true enrollment for the year may readily be found by *subtracting the number of pupils enrolled TWICE (both terms) from the sum of the enrollments for the two terms*. Suppose, for example, the township enrollment for the first term was 190 boys and 165 girls; for the second term 150 boys and 170 girls; and that 50 boys and 60 girls were enrolled *twice*, or both terms. The number of different boys enrolled during the year would be $190 \text{ plus } 150 - 50 = 290$ boys. The number of different girls enrolled, $165 \text{ plus } 170 - 60 = 275$ girls.

Another method is to find the "true enrollment" of each sub-district for the year, by subtracting the number of pupils enrolled twice from the aggregate enrollment for the two terms, and then adding these several true enrollments of sub-districts together.

The first method is much the shorter, but it will be a good plan to use both.

4. AVERAGE DAILY ATTENDANCE.

When the two terms are of *equal* length, the average daily attendance may be readily found by *adding together the term averages and dividing by 2*—the number of terms. Suppose, for example, the average daily attendance of a school for the first term of 12 weeks was 20 boys and 18 girls, and for the second term of 12 weeks, 16 boys and 21 girls. The average attendance of the boys for the year is found thus: $20 \text{ plus } 16 = 36$. $36 \text{ divided by } 2 = 18$ boys. The average attendance of the girls is found in the same manner.

When the two terms are not of *equal* length, the average attendance of each school is found by *multiplying the average for each term by the number of weeks in such term, and dividing the sum of the two products by the whole number of weeks in both terms*. Suppose, for example, the average attendance for the first term of 18 weeks was 30 boys and 25 girls; of the second term of 12 weeks, 16 boys and 20 girls. The average attendance of the boys for the year is found thus: $30 \text{ times } 18 = 540$. $16 \text{ times } 12 = 192$. $540 \text{ plus } 192 = 732$. $732 \text{ divided by } 30 (18 \text{ plus } 12) = 24.4$, boys' average attendance. The average attendance of the girls is found in the same manner.

The average daily attendance for the *township* will be the sum of the averages of the several schools.

5. NUMBER OF TEACHERS.

By the "number of different teachers employed" is meant the number of *different persons* employed in the schools as teachers during the year. This number, owing to changes will usually be greater than the number of teachers employed during any given month or term.

If all teachers were employed for the entire school year, and no changes occurred during the year, how many teachers would be needed? The answer is the "number of teachers necessary to supply the schools," which will generally be the same as the number of schools.

6. AVERAGE WAGES OF TEACHERS.

Add together the monthly salaries of the several male teachers employed, and divide the sum by the whole number of male teachers. The quotient will be the average monthly wages of male teachers. In like manner the average monthly wages of female teachers may be found. In giving the "number of sub-districts that boarded teachers," report only those in which the teacher "boarded around," or which otherwise paid for the teacher's board in *addition* to his wages.

7. AVERAGE NUMBER OF WEEKS THE SCHOOLS WERE IN SESSION.

Having found the number of weeks *each* school was in session during the year, divide the sum of the same by the whole number of schools in the township. If there is a remainder, annex two cyphers, and continue the division to *hundredths*. Write the number of weeks under "weeks," and the fractional part under "hundredths." In reporting the number of weeks each sub-district school was taught, *be sure and include BOTH TERMS*.

If it is the custom in a majority of the sub-districts to close the schools on every Saturday, *five days* should be reported as a school week; if the schools in a majority of the sub-districts are closed only on every other Saturday, *five and one-half days*.

8. NUMBER OF PUPILS IN EACH BRANCH OF STUDY.

Add together the number of pupils reported each term, and from the sum subtract the number of pupils that pursued the study *both* the first and second terms of the year. If 25 pupils were in geography the first term, 18 the second, and 10 of them pursued the study both terms, the number of different pupils in geography was 25 plus 18—10=33. The names of all text-books regularly used in the schools must be reported.

9. PRIVATE SCHOOLS.

It is not expected that clerks will be able to report accurate statistics of these schools. Please give as full information as possible. When the number of pupils enrolled, etc., is not known, make an estimate—a good "guess." Colleges, seminaries, and large academies are not to be reported by clerks.

LI. TOWNSHIP TREASURER'S GENERAL ACCOUNT WITH TOWNSHIP.

Treasurer of _____ Township, _____ County, Ohio, in account with said township for school funds.

	Receipts.	Tuition fund.	School-house and contingent.		Expenditures.	Tuition fund.	School-house and contingent.
1880.				1880.			
Sept. 1	Balance in treasury	\$550 60	\$115 40	Nov. 9	Repairing school-house in sub-dist. No. 2, voucher No. 1		\$18 50
7	Sale of school-house in sub-dist. No. 3		90 00	12	Fuel for sub-dist. No. 4, voucher No. 2		9 60
Oct. 20	Tuition of 3 pupils in " 1	12 00		12	" " 2, " 3		12 50
				20	" " 1, " 4		13 00
				1881.			
				Jan. 15	Four sets of maps for sub-dists., vouch. No. 5		60 00
				Mar. 1	Bal. in treasury on settlement with auditor, voucher No. 6	\$562 60	91 80
						562 60	205 40
1881.							
Mar. 1	Balance in treasury on settlement	562 60	91 80	Mar. 5	Teacher in sub-dist. No. 3, 3 mos., voucher No. 7	\$99 00	
2	School funds rec'd from Co. Treasurer			8	" " 1, 4 " "	120 00	
	State tax	350 40		8	" " 2, 4 " "	128 00	
	Interest on school lands	90 75		15	" " 4, 3 1/2 " "	122 50	
	Township tax	90 00	490 70	April 20	Painting school-house in sub-district No. 1, voucher No. 11		50 00
April 15	Tuition of 2 pupils in sub-dist. No. 1	8 00		May 1	Four sch'l reg's for sub-dists., vouch. No. 12		6 00
Aug. 20	School funds from County Treasurer			20	John Coon, for building school-house in sub-dist. No. 3 (part payment) voucher No. 13		400 00
	State tax	248 80		Aug. 24	Teacher in sub-dist. No. 1, 3 mos., vouch. No. 14	98 00	
	Interest on school lands	45 00	280 50	24	" " 2, 3 1/2 " "	100 00	
	Township tax	50 35		27	" " 4, 4 " "	120 00	
	Fines and licenses	10 00		30	" " 3, 4 " "	132 00	
				30	John Coon, balance due on school-house in sub-dist. No. 3, voucher No. 18		200 00
				31	Balance in treasury	537 00	207 00
		\$1,456 50	\$863 00			\$1,456 50	\$863 00

NOTE.—This is also the form to be used by township clerks in keeping an account of all school moneys received and disbursed in their respective townships. The heading may be changed when used by township clerks; and in making entries under the head of expenditures the number of the orders drawn by them should be given.

LII. TOWNSHIP TREASURER'S ACCOUNT WITH THE SEVERAL SUB-DISTRICTS.

Treasurer of ----- Township, ----- County, Ohio, in account with Sub-District No. 1.

Date.	Apportionment.	Tuition fund.	School-house and contingent.	Date.	Expenditures.	Tuition Fund.	School-house and contingent.
1880.				1880.			
Sept. 1	Balance in treasury	\$130 20	\$30 10	Nov. 20	90 bushels of coal .....	.....	\$13 00
Oct. 20	Tuition of three non-resident pupils	12 00	.....	1881.			.....
1881.				Jan. 16	One set of outline maps .....	.....	.....
Mar. 2	State tax and school lands	94 75	.....	Mar. 8	Teacher for four months' service...	\$120 00	15 00
Mar. 2	Township tax	9 00	37 50	April 21	Painting school-house .....	.....	50 00
April 15	Tuition of two non-resident pupils	8 00	.....	May 1	One School Register .....	.....	1 50
Aug. 20	State tax and school lands	58 96	.....	Aug. 24	Teacher for three months' services.	98 00	.....
Aug. 20	Township tax	10 07	26 50	Aug. 31	Balance in treasury	104 98	14 60
		\$322 98	\$94 10			\$322 98	\$94 10

NOTE.—This is also the form to be used by Township Clerks in keeping an account with the several sub-districts. The heading may be changed and the number of orders entered.

DIRECTIONS TO CLERKS AND TREASURERS.

1. The account of the "School-house and contingent fund" should be kept in the first two columns on the right-hand side of each page; and the account of the "Tuition fund" in the next two columns.

2. For each order drawn or paid, make two entries—one in the general township account of school funds, and the other in the account of the proper sub-district.

3. In case the township Board of Education do not apportion the school-house and contingent fund among the several sub-districts, but keep it as a general fund, the sub-district account may be made to balance by entering in the proper columns in the account of "Apportionment" (left-hand page) the amount expended for school-house and contingent purposes as shown in the account of "Expenditures" (right-hand page.)

4. All school money *received from* adjacent townships for the support of a joint sub-district school should be entered in the general account under the head of *Receipts*, and in the proper joint sub-district account under the head of *Apportionment*. All moneys *paid* to adjacent townships for the support of a joint sub-district should be entered in the general account under the head of *Expenditures*.

5. All money paid by non-resident pupils for tuition in any school of the township, must be paid to the Treasurer and entered in the general account under the head of *Receipts*, and also in the account of the proper sub-district under the head of *Apportionment*.

6. The Treasurer's general account should be balanced at the time of the annual settlement with the Auditor in February, and also at the close of the school year. The Treasurer's sub-district account and both the general and sub-district accounts of the clerk need be balanced only at the close of the school year. The sub-district account, if properly balanced and separated, may be kept for two years on the same page.

7. The Board of Education are required by law "to make settlement with the Township Treasurer at their regular session in April annually." At this settlement the Clerk's and Treasurer's books should be carefully compared.

8. At the expiration of their terms of official service, the Township Clerk and Treasurer are required by law to deliver to their successors in office this book and all other official books and papers relating to schools, in their hands.

LIII. REPORT OF THE TREASURER OF _____ TOWNSHIP, _____ COUNTY, OHIO,

To the county auditor, for the year ending August 31, 18—:

(To be made to the auditor on or before the 20th day of September)

RECEIPTS.

RECEIPTS

VS. SOURCE

Amount of school moneys received during the year from the following sources, viz:

Balance on hand September 1, 18—	.....	\$—
State tax	.....	—
Irreducible school funds	.....	—
Township tax for school and school-house purposes	.....	—
Fines, licenses, tuition of non-resident pupils, and other miscellaneous sources	.....	—
Amount received from adjoining townships for support of joint sub-district school—State funds, \$—; township tax, \$—: Total	.....	—
Total receipts	.....	—

EXPENDITURES.

Whole amount paid teachers during the year—

Common, \$—; High, \$—; Total \$—
 For sites, buildings, and repairs.....
 For fuel, and other contingent expenses.....
 Amount paid to other townships for support of joint sub-district school—
 State funds, \$—; Tp. Tax, \$—: Total.....
 Total expenditures.....\$—

Balance on hand September 1, 18—.....
 Amount of outstanding orders unpaid September 1, 18—.....

I certify the foregoing to be, in all respects, correct.

_____, *Treasurer.*

_____, Ohio, _____, 18—.

EXPLANATIONS AND DIRECTIONS.

1. The above report should cover only the moneys *actually* received and disbursed by the treasurer during the school year ending August 31. In case the school funds arising from the second semi-annual distribution of taxes are not received on or before August 31, such funds must be reported by the treasurer among the receipts of the following year. In case there were outstanding orders unpaid on the 1st of September, the amount of such orders should be added to the report in order that it may show the entire expenses of the schools during the year, and thus correspond with the returns of the board of education. All claims upon the school fund for expenses incurred during the year should be settled and paid, if possible, previous to August 31.

2. By "irreducible school funds," is meant all funds received from the State as interest on the Virginia Military, United States Military, or Western Reserve School Funds, the rent of or the interest on the proceeds of the sale of "Section Sixteen."

3. All money paid by non-resident pupils for tuition in any school in the township must be paid into the township treasury, to be disbursed on the clerk's order, and reported under the head of receipts.

4. All moneys paid by the adjacent townships for the support of a joint sub-district school must be reported by the treasurer of such adjacent townships, as a separate item, under the head of *expenditures*; and the moneys thus received from the adjacent townships by the treasurer of the township whose board has charge of such joint school, must be reported, as a separate item, under the head of *receipts*.

CHAPTER V.—FORMS FOR SCHOOL EXAMINERS, AUDITORS, ETC.

LIV. APPOINTMENT OF SCHOOL EXAMINERS.

OFFICE OF JUDGE OF PROBATE,

_____ County, O., _____, 18—.

Being satisfied that _____ is a competent and suitable person to act as a member of the board of school examiners for this county, I do hereby appoint him to said office for the term of two years from date, and until his successor shall be appointed.

_____, *Judge of Probate.*

LV. REVOCATION OF SCHOOL EXAMINER'S APPOINTMENT.

OFFICE OF JUDGE OF PROBATE.

____ County, O, _____, 18—.

Whereas, on the ____ day of ____, 18—, _____ was appointed to the office of school examiner of ____ county, for the term of two years from the date of such appointment; and, whereas, evidence has been filed with me, judge of probate of said county, and I have become satisfied that said _____ is an unfit person to be retained as a member of the board of school examiners of said county, in consequence of (*here state the cause of action*):

Therefore, the said appointment of said _____, as school examiner of said county, is hereby revoked.

_____, *Judge of Probate.*

LVI. NOTICE OF MEETINGS FOR THE EXAMINATION OF TEACHERS.

Notice is hereby given that there will be a meeting of the board of school examiners of ____ county, for the examination of teachers, at ____, on the last ____ of each month of the year, and that a meeting will also be held on the second ____ of April, May, October, and November. Each applicant for a certificate should be present as early as ____ o'clock A.M.

By order of the Board.

_____, 18—.

_____, *Clerk.*

LVII. TEACHER'S CERTIFICATE.

No. _____.

_____ *Class.*

The undersigned, school examiners of ____ county, Ohio, having examined _____, do hereby certify, that _____ possesses an adequate knowledge of the theory and practice of teaching, and is qualified to teach orthography, reading, writing, arithmetic, geography, and English grammar _____; and that _____ has furnished satisfactory evidence of good moral character.

This certificate to be valid for the term of _____ months from date.

Given at _____, and dated this ____ day of _____, A.D., 18—.

RESULT OF EXAMINATION.

Orthography
 Reading
 Writing
 Arithmetic
 Geography
 English grammar
 Theory and practice

_____,
 _____,
 _____,

School Examiners.

RULES AND EXPLANATIONS.

1. The character of the applicant's examination is represented on a scale of *one to ten*—one denoting the lowest qualification and ten the highest.

2. Five classes of certificates are granted, as follows: First class, valid 36 months; second

class, valid 24 months; third class, valid 18 months; fourth class, valid 12 months; fifth class, valid 6 months.

3. A satisfactory examination in the theory and practice of teaching, and a high degree of success in teaching, will also be considered in determining the class of certificate to be granted. No certificate is granted unless the applicant passes an examination in each branch of study required by law.

LVIII. REVOCATION OF TEACHER'S CERTIFICATE.

To the local directors of sub-district No. —, — township, — county, Ohio :

Whereas, the board of examiners of said county, on the — day of —, 18—, granted a certificate to —, authorizing him to teach orthography, etc., for the term of — months, and he is now engaged as a teacher in said sub-district.

And, whereas, it has been represented, and said board has become satisfied, that — is an unfit person to be retained as such teacher, in consequence of (*here state the offense*) :

Therefore, you are hereby required to discharge and dismiss said — from his said employment. His said certificate is revoked.

By order of the Board.

—, 18—.

—, Clerk.

NOTE.—A teacher's certificate may also be revoked when he is not engaged as a teacher. When this is the case, the first line of the above form should be omitted, and the last paragraph changed to read as follows: "Therefore, his said certificate is hereby revoked."

LIX. QUARTERLY REPORT TO COUNTY TREASURER.

REPORT OF THE BOARD OF SCHOOL EXAMINERS OF — COUNTY, OHIO, TO THE COUNTY TREASURER, FOR THE QUARTER ENDING —, 18—.

Number of meetings held during the quarter	—
Whole number of applicants examined: Male, —; Female, —; Total....	—
Amount received of applicants on examination fees	—

I certify the foregoing statement to be correct.

—,
Clerk of Board of Examiners.

—, Ohio, —, 18—.

NOTE.—The first quarter ends the last day of November; the second, the last day of February; the third, the last day of May; and the fourth, the last day of August. The orders drawn by the auditor to pay for the necessary traveling expenses of the Board of Examiners can not, in any "one quarter, exceed *one-third* of the amount collected and paid over by said board as examination fees" during said quarter.

LX. FORM OF SCHOOL EXAMINERS' REGISTER.
RECORD OF A MEETING FOR THE EXAMINATION OF TEACHERS.

Held by the Board of School Examiners of _____ County, Ohio, _____ at _____, on the _____ day of _____, 18__.

Examination fees.	Name of applicants.	Post-office address.	Nativity.	Age. (If under 20.)	Terms of experience.	Examined at a previous meeting of current school year.	Per cent. of correct answers.						No. of certificate.	No. of months certificate is valid.
							Spelling.	Reading.	Writing.	Arithmetic.	Geography.	Eng. grammar.	Theory and practice.	Average.

RECAPITULATION.

No. of applicants examined.	Number of certificates granted.								No. of applicants rejected.	No. of applicants previously examined.	Amount of fees collected.	Names of examiners present, and No. of days spent by each.	Necessary traveling expenses.
	36 months.	24 months.	18 months.	12 months.	6 months.	Male.	Female.	Male.	Female.				
Male.													
Female.													

Remarks :

 Clerk Board of Examiners.

LXI. REPORT OF THE BOARD OF SCHOOL EXAMINERS

Of _____ county, Ohio, to the State School Commissioner, for the school year ending August 31, 188—.

(To be forwarded to the Commissioner on or before the first day of October.)

1. Number of meetings held for the examination of teachers during the year. _____
2. Number of localities in which meetings were held during the year _____

NUMBER OF APPLICANTS FOR CERTIFICATES, NUMBER OF CERTIFICATES GRANTED, AND NUMBER OF APPLICATIONS REJECTED.

3. Whole number of applications for certificates.*			4. Number of certificates granted.										5. Number of applications rejected.		
			For 36 mo's.		For 24 mo's.		For 18 mo's.		For 12 mo's.		For 6 mo's.		Total.		
Male.	Female.	Total.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Grand total. (Male and female.)	Male.	Female.

6. Number of different applicants for certificates *..... _____
7. Number of different applicants to whom no certificates were granted..... _____
8. Number of applicants natives of this State..... _____
9. Number of applicants colored (if any)..... _____
10. Number of applicants under 20 years of age..... _____
11. Were *oral* or *written* answers required of applicants?..... _____
12. Were the questions of the Board presented orally, by writing them upon a black-board, or by printed slips? _____
13. Amount received from the county by the examiners as pay for their services. _____
14. Amount of examination fees collected and paid to county treasurer during the year: 1st quarter, \$—; 2d quarter, \$—; 3d quarter, \$—; 4th quarter, \$—; total..... \$—
15. Amount (if any) received by examiners to pay necessary traveling expenses: 1st quarter, \$—; 2d quarter, \$—; 3d quarter, \$—; 4th quarter, \$—; total..... \$—
16. Names of examiners; business or profession; P. O. address; when term of office expires. _____
17. Number of teachers' institutes held during the year _____
18. Name of president or secretary of county teachers' association.. _____

I certify the foregoing to be correct.

_____,
Clerk of Board.

_____, Ohio, _____, 188—.

* The number of *applications* (question 3) will probably be greater than the number of *applicants* (question 6), since the same person may, in several instances, have applied for a certificate at two or more meetings of the Board. In the answer to question 6, the number of different *persons* that have been before the Board during the year, should be given. Those who were granted a certificate on a second or subsequent trial, should not be included in the answer to question 7.

LXII. AUDITOR'S REPORT OF TEACHERS' INSTITUTE FUND.

A statement showing the amount of examination fees collected and paid to the county treasurer by the school examiners of _____ county, Ohio, during the four quarters ending August 31, 188—; also, the amounts paid out of such fund for the several purposes named in the school law.

	Receipts.	Expenditures.			Balance in treasury at the close of the school year.
	Amount of examination fees collected and paid to county treasurer.	For necessary traveling expenses of examiners.	For support of teachers' institute.	Total expenditures.	
<i>School Year of 188—.</i>					
1st quarter ending ———, 188—					
2d quarter ending ———, 188—					
3d quarter ending ———, 188—					
4th quarter ending ———, 188—					
Total					

I certify the foregoing to be a correct statement.

_____, Auditor.

AUDITOR'S OFFICE, _____ county,
_____, Ohio, _____, 188—.

LXIII. TEACHERS' INSTITUTES.

Constitution of ——— County Teachers' Association.

PREAMBLE.

As a means of improvement in the profession of teaching, and of promoting the interests of the schools in our county, we the undersigned, associate ourselves together under the following

CONSTITUTION.

ARTICLE I. This association shall be called the ——— County Teachers' Association.

ART. II. The officers of this association shall be a president, three vice presidents, a secretary, treasurer, and an executive committee of three members, who shall also perform the duties of a financial committee. The secretary shall, *ex-officio*, be one of the members of this committee, and shall keep a record of its proceedings.

ART. III. It shall be the duty of the president to preside at all meetings of the association. In case of vacancy, or his absence, any one of the vice-presidents or the chairman of the executive committee may perform his duties.

ART. IV. It shall be the duty of the secretary and treasury to perform the usual duties devolving upon such officers.

ART. V. The executive committee shall carry into effect all orders and resolutions of the association, and shall devise and put into operation such other measures, not inconsistent with the objects of this association, as it shall deem best. It shall arrange business for all regular meetings of the association, and shall appoint, under the direction of the association, at least one such meeting each year. It shall make all necessary arrangements for holding and conducting at least one teachers' institute in the county each year. In case the amount of money under the control of the association, including the institute fund in the hands of the county treasurer, be insufficient to defray the necessary expenses of an institute, said committee shall fix and give due notice of an institute tuition fee to be paid by those attending such institute. All moneys belonging to this association are to be paid out only on orders drawn by the executive committee.

ART. VI. The executive committee shall hold its meetings as soon after election as possible. Two members shall constitute a quorum for business, and afterwards may meet on their own adjournment or appointment.

ART. VII. Any teacher, or active friend of education, may become a member of this association, by subscribing to this constitution and contributing annually to the funds of the association.

ART. VIII. The officers of this association shall be chosen by ballot, or in such other manner as the association may direct, at the annual meeting, and shall hold their offices for one year, or until their successors are elected.

ART. IX. This constitution may be altered or amended by a majority of the members present at any regular meeting, provided notice of such intended alteration or amendment shall have been given at the preceding meeting.

LXIV. REPORT OF COLLEGES, SEMINARIES AND ACADEMIES.

Report of ———— to the State School Commissioner.

FOR THE SCHOLASTIC YEAR ENDING IN 188—.

1. Name and location of institution.
2. Name and degree of president or principal.
3. Year in which the institution was established.

(If incorporated, give the year of incorporation.)

4. Number of regular professors or teachers: Male—, female —, total
5. Whole number of students in attendance during the year.....
6. Number of students enrolled each term or quarter of the year: 1st term —; 2d term —; 3d term —; 4th term
7. Number of years occupied in completing the several courses of study: Classical course —; scientific course —; — course
8. Number of students pursuing the several courses of study during the year: Classical course —; scientific course —; — course
9. Number of students in preparatory classes, including all irregular students

10. Number of graduates in each course in 188—: Classical course — ;
scientific course — ; — course —
11. Whole number of graduates in classical course since the institution
was established
12. Number of weeks in scholastic year
13. Cost of tuition per year.....\$
14. Estimated yearly expenses of student, including board, \$— to ...\$
15. Number of indigent students granted free tuition during the year... ..
16. Amount of income from tuition during the year
17. Amount of income from invested funds, rents and donations during
the year.....\$
18. Amount of endowment funds, not including buildings, grounds, etc ..\$
19. Increase in endowment funds during the year.....\$
20. Value of buildings and grounds
21. Value of apparatus, not including libraries
22. Number of volumes in libraries
23. Date of next commencement.

The foregoing is a correct statement.

_____,
_____.

_____ Ohio.

_____ 188—.

NOTE.—In a few of the colleges of the State two, and in some cases three, courses of study are prescribed. The Commissioner wishes to ascertain the number of students regularly pursuing each of these several courses. The name of the third course is to be supplied by the person filling the blank. The term "Scientific" is used to designate a partial or English course. In those institutions that have a six years' course of study, the two lower classes ought to be reported as preparatory.

The answer to the sixth question is particularly desired. The answers to the sixteenth and seventeenth questions may be omitted if there is any objection to their publication. The seventh, eight, ninth, tenth, eleventh and twenty-third questions do not apply to seminaries and academies in which no regular courses of study are prescribed.

INDEX.

CLASSIFICATION AND CERTAIN CHANGES OF DISTRICTS—	PAGE
Classes of school districts	5
City districts of first class defined	5, 6
“ second class defined	6
Village districts defined	6
Change of classification in certain case	6
Township districts defined	6
Special districts defined	7
Transfer of territory from one district to another	7
Township districts may become village districts	8
How vote shall be taken	8
How board organized	9
 CITY DISTRICTS OF FIRST CLASS—	
Board of education—how constituted	9
How membership increased	9
When two members for each ward, how elected	10
When one member “ “	10
Where certain electors to vote	10
Conduct of elections	11
How electors on attached territory to cast ballots	11
Meetings and certain powers of the board	11
To make estimate and fix levy for contingent fund	39
Limitation of estimate and levy—Cincinnati	39
“ “ —Cleveland	39
“ “ —Toledo	39
How contingent fund to be applied in Toledo	44
Limitation of estimate and levy in all other cities of the first class	39
When estimate to be certified to county auditor	39
Apportionment of school funds by county auditor	41
Distribution of money after apportionment	42
When county commissioners to perform certain acts of board of education	44
Powers of board of education	45
What property the board has title to	46
School property exempt from taxation	47
Conveyances and contracts	47
Board may accept bequests	47
Process against board	48
Duties of prosecuting attorney and city solicitor	48
The votes at elections, how decided	48
When to appoint	48

CITY DISTRICTS OF FIRST CLASS—Continued—	PAGE
Oath of members and other officers.....	49
Organization of board.....	49
Vacancies in board, how filled.....	49, 50
Quorum of board.....	50
Yeas and nays to be taken in certain cases.....	50, 51
Absence of president or clerk.....	51
Record of proceedings and attestation thereof.....	51, 52
Board to make rules and regulations.....	52
Illegal meetings.....	52
Board to make and enforce rules for vaccination.....	52
Board to provide school-houses.....	53, 54
Directions for bidding, and for letting contracts.....	55, 56
When board may appropriate property.....	57
Issue of bonds by board.....	59
Board may appropriate money for library, etc.....	59, 60
Levy for library in cities.....	60
How library tax to be expended.....	60
Board may appoint librarian.....	60
“ “ managers of library.....	60, 61
Board of Cleveland to appoint library committee.....	61
Powers and duties of such committee.....	61
Library tax, and how to be expended.....	62
Consolidation of libraries in Portsmouth authorized.....	62
Board of Portsmouth to appoint library committee.....	61, 63
Powers and duties of such committee.....	63
How such library maintained and managed.....	63, 64
Sufficient schools must be provided.....	64, 65
Schools for colored children.....	65
Schools of higher grade than primary.....	65
Schools at “ children’s homes,” orphans’ asylums and county infirmaries.....	66
Youth may be sent to charity school at Zanesville.....	66, 67
Evening schools.....	67
Who may be admitted to public schools.....	67, 68
Suspension and expulsion of pupils.....	68
Teachers may dismiss school on holidays.....	68
School year, month, and week.....	69
Board to control schools and appoint officers.....	69, 70, 71
Board to determine studies and text-books.....	73
When German language to be taught.....	74
Sending of pupils from one district to another.....	74, 75
Children must attend school.....	75
Unlawful to employ children who have not attended school.....	75, 76
Board to ascertain condition of children not at school.....	76
When board may supply pupils with books.....	76
Penalties for violation of certain provisions.....	76, 77
Clerk must prosecute.....	77
Equivalent to attendance on day school.....	77
Yearly enumeration of youth.....	78, 79

CITY DISTRICTS OF THE FIRST CLASS—Continued—

PAGE

Qualification and pay for taking enumeration	79
Clerk to employ persons to take enumeration	79, 80
Clerk to transmit abstract to county auditor	81
Auditor to act when clerk fails	81
Duty of auditor when county line divides original surveyed township	81, 82
School funds forfeited when enumeration not taken	82
Penalty for making fraudulent returns	83
Who to be treasurer of the school funds	83, 84
Treasurer to give bond and produce funds, etc.	84, 85
Annual settlement by treasurer with county auditor	85, 86
Penalty for failure to make such settlement	86
Treasurer to report balance to board	86
When treasurer may receive or pay money	86, 87
Amount of funds treasurer may hold	87, 88
Treasurer to deliver money, etc., to successor	88
Clerk shall execute bond	88
When orders of clerk for teachers' pay illegal	88, 89
Duties of clerk as to statistics, etc.	89, 90
Publication of receipts and disbursements by clerk	90
Clerk to deliver books, etc., to successor	90
How treasurer and clerk to keep accounts	90, 91
Compensation of treasurer and clerk	91
Annual report by board of education	91, 92
In what form to be made, etc	92
Reports of superintendents and teachers	92, 93
Penalty against clerk for failing to make report to county auditor	93, 94
Who may be employed as teacher	100
Board of education to appoint a board of examiners	102
Shall fix compensation of such examiners	104
Who ineligible as examiner	105
Board may permit teachers to attend institute within county	108
Board may provide for an institute	108
When institute fund to be placed to the credit of county institute fund	108
Length of session of institute	109
Report of certain institutes	109

CITY DISTRICTS OF THE SECOND CLASS—

Membership of board of education	12
Election of members	12
Conduct of the election	13
Election after membership increased	13
Notice of elections	15
How membership increased	15
Estimate and levy for contingent fund	39
Limitation as to levy for contingent fund	39
Estimate to be certified to county auditor	39
Apportionment of school funds by county auditor	41
Distribution of money after apportionment	42
County commissioners to levy contingent fund when board neglects	44

CITY DISTRICTS OF THE SECOND CLASS—Continued—

PAGE

Powers of board of education	45
What property the board has title to	46
School property exempt from taxation.....	47
Conveyances and contracts	47
Board may accept bequests	47
Process against board, and how served.....	48
Duties of prosecuting attorney and city solicitor.....	48
Tie votes to be decided by lot.....	48
When to appoint.....	48
Oath of members and other officers.....	49
Organization of board	49
Vacancies in board, how filled.....	49, 50
Quorum of board.....	50
Yeas and nays to be taken in certain cases.....	50, 51
Absence of president or clerk	51
Record of proceedings and attestation thereof.....	51, 52
Board to make rules and regulations.....	52
Illegal meetings.....	52
Board to make and enforce rules for vaccination.....	52
Board to provide school-houses	53, 54
Directions for bidding and letting contracts.....	55, 56
When board may appropriate property.....	57
When and how question of tax levy submitted to voters	57
If levy approved board to certify it to auditor	58
How the levy may be anticipated.....	58, 59
Board may appropriate money for library, etc.....	59, 60
Levy for library in cities	60
How library tax to be expended	60
Board may appoint librarian.....	60
Sufficient schools must be provided	64, 65
Schools for colored children.....	65
Schools of higher grade than primary	65
Schools at "children's homes," orphan asylums, and county infirmaries	66
Evening schools.....	67
Who may be admitted to public schools.....	67, 68
Suspension and expulsion of pupils	68
Teachers may dismiss schools on holidays	68
School year, month, and week	69
Board to control schools and appoint officers.....	69, 70, 71
Board to determine studies and text-books	73
When German language to be taught.....	74
Sending of pupils from one district to another	74, 75
Children must attend school	75
Unlawful to employ children who have not attended school.....	75, 76
Board to ascertain condition of children not at school.....	76
When board may supply pupils with books.....	76
Penalties for violation of certain provisions.....	76, 77
Clerk must prosecute	77

CITY DISTRICTS OF THE SECOND CLASS—Continued—

	PAGE
Equivalent to attendance on day school	77
Yearly enumeration of youth	78, 79
Qualification and pay for taking enumeration	79
Clerk to employ persons to take enumeration	79, 80
Clerk to transmit abstract to county auditor	81
Auditor to act when clerk fails	81
Duty of auditor when county line divides original surveyed township	81, 82
School funds forfeited when enumeration not taken	82
Penalty for making fraudulent returns	83
Who to be treasurer of the school funds	83, 84
Treasurer to give bond, and produce funds, etc.	84, 85
Annual settlement by treasurer with county auditor	85, 86
Penalty for failure to make such settlement	86
Treasurer to report balance to board	86
When treasurer may receive or pay money	86, 87
Amount of funds treasurer may hold	87, 88
Treasurer to deliver money, etc., to successor	88
Clerk shall execute bond	88
When orders of clerk for teacher's pay illegal	88, 89
Duties of clerk as to statistics, etc.	89, 90
Publication of receipts and disbursements by clerk	90
Clerk to deliver books, etc., to successor	90
How treasurer and clerk to keep accounts	90, 91
Compensation of treasurer and clerk	91
Annual report of board of education	91, 92
In what form to be made, etc.	92
Reports by superintendents and teachers	92, 93
Penalty against clerk for failing to make report to county auditor	93, 94
Who may be employed as teacher	100
Board of education to appoint a board of examiners	105
Shall fix compensation of such examiners	104
Who ineligible as examiner	105

VILLAGE DISTRICTS—

Membership of board of education	12
Election in village districts	14
Notice of election	15
Returns to be made to board	15
How membership increased	15
How village may become village district	16
How village district organized	17
Organization of board	18
Estimate and levy for contingent fund	39
Limitation of levy for contingent fund	39
When estimate to be certified to county auditor	39
Apportionment of school funds by county auditor	41
Distribution of money after apportionment	42
County commissioners to levy contingent fund when board neglects	44

VILLAGE DISTRICTS—Continued—

	PAGE
Powers of board of education	45, 46
What property the boards have title to	46
School property exempt from taxation	47
Conveyances and contracts	47
Board may accept bequests	47
Process against boards, and how served	48
Duties of prosecuting attorney and city solicitor	48
Tie votes to be decided by lot	48
When to appoint	48
Oath of members and other officers	49
Organization of board	49
Vacancies in board, how filled	49, 50
Quorum of board	50
Yeas and nays to be taken in certain cases	50, 51
Absence of president or clerk	51
Record of proceedings and attestation thereof	51, 52
Board to make rules and regulations	52
Illegal meetings	52
Board to make and enforce rules for vaccination	52
Board to provide school-houses	53, 54
Directions for bidding, and for letting contracts	55, 56
When board may appropriate property	57
When and how question of tax levy submitted to voters	57
If levy approved, board to certify it to auditor	58
How the levy may be anticipated	58
Board may appropriate money for library, etc.	59, 60
Sufficient schools must be provided	64, 65
Schools for colored children	65
Schools of higher grade than primary	65
Schools at "children's homes," orphans asylums, and county infirmaries	66
Evening schools	67
Who may be admitted to public schools	67, 68
Suspension and expulsion of pupils	68
Teachers may dismiss school on holidays	68
School year, month, and week	69
Board to control schools and appoint officers	69, 70, 71
Board to determine studies and text-books	73
When German language to be taught	74
Sending of pupils from one district to another	74, 75
Children must attend school	75
Unlawful to employ children who have not attended school	75, 76
Board to ascertain condition of children not at school	76
When board may supply pupils with books	76
Penalties for violation of certain provisions	76, 77
Clerk must prosecute	77
Equivalent to attendance on day school	77
Yearly enumeration of youth	78, 79
Qualification and pay for taking enumeration	79

VILLAGE DISTRICTS—Continued—

	PAGE
Clerk to employ persons to take enumeration	79, 80
Clerk to transmit abstract to county auditor	81
Auditor to act when clerk fails	81
Duty of auditor when county line divides original surveyed township.....	81, 82
School funds forfeited when enumeration not taken	82
Penalty for making fraudulent returns	83
Who to be treasurer of the school funds.....	83, 84
Treasurer to give bond, and produce funds, etc.....	84, 85
Annual settlement by treasurer with county auditor	85, 86
Penalt. for failure to make such settlement.....	86
Treasurer to report balances to board	86
When treasurer may receive or pay money.....	86, 87
Amount of funds treasurer may hold.....	87, 88
Treasurer to deliver money, etc., to successor	88
Clerk shall execute bond.....	88
When orders of clerk for teacher's pay illegal	88, 89
Duties of clerk as to statistics, etc.....	89, 90
Publication of receipts and disbursements by clerk.....	90
Clerk to deliver books, etc., to successor	90
How treasurer and clerk to keep accounts.....	90, 91
Compensation of treasurer and clerk	91
Annual report by board of education	91, 92
In what form to be made, etc	92
Reports by superintendents and teachers	92, 93
Penalty against clerk for failing to make report to county auditor.....	93, 94
Who may be employed as teacher.....	100
Boards of certain village districts may appoint examiners.....	105
Shall fix compensation of such examiners	104
Who ineligible as examiner	105

SPECIAL DISTRICTS—

Definition of	7
Board of special district—how constituted.....	24
“ “ how increased.....	24
Election of members.....	24
Notice and conduct of election.....	25
How special district abandoned.....	25
Members of the board to become directors.....	26
Disposition of property, etc.....	26
Estimate and levy for contingent fund.....	39
Limitation of levy for contingent fund	39
When estimate to be certified to county auditor	39
Apportionment of school funds by county auditor	41
Distribution of money after apportionment.....	42
County commissioners to levy contingent fund when board neglects.....	44
Powers of board of education	45
What property boards have title to.....	46
School property exempt from taxation.....	47
Conveyances and contracts	47

SPECIAL DISTRICTS—Continued—

	PAGE
Board may accept bequests.....	47
Process against board, and how served.....	48
Duties of prosecuting attorney and city solicitor.....	48
Tie votes to be decided by lot.....	48
When to appoint.....	48
Oath of members and other officers.....	49
Organization of board.....	49
Vacancies in board, how filled.....	49, 50
Quorum of board.....	50
Yeas and nays to be taken in certain cases.....	50, 51
Absence of president or clerk.....	51
Record of proceedings and attestation thereof.....	51, 52
Board to make rules and regulations.....	52
Illegal meetings.....	52
Board to make and enforce rules for vaccination.....	52
Board to provide school-houses.....	53, 54
Directions for bidding and for letting contracts.....	55, 56
When boards may appropriate property.....	57
When and how question of tax levy submitted to voters.....	57
If levy approved, board to certify it to auditor.....	58
How the levy may be anticipated.....	58
Board may appropriate money for library, etc.....	59, 60
Sufficient schools must be provided.....	64, 65
Schools for colored children.....	65
Schools of higher grade than primary.....	65
Schools at "children's homes," orphan asylums, and county infirmaries.....	65
Who may be admitted to public schools.....	67, 66
Suspension and expulsion of pupils.....	68
Teachers may dismiss schools on holidays.....	68
School year, month, and week.....	68
Board to control schools and appoint officers.....	69, 70, 69
Board to determine studies and text-books.....	71
When German language to be taught.....	73
Sending of pupils from one district to another.....	74, 74
Children must attend school.....	75
Unlawful to employ children who have not attended school.....	75, 75
Board to ascertain condition of children not at school.....	76
When board may supply pupils with books.....	76
Penalties for violation of certain provisions.....	76, 77
Clerk must prosecute.....	77
Equivalent to attendance on day school.....	77
Yearly enumeration of youth.....	78, 79
Qualification and pay for taking enumeration.....	79
Clerk to employ persons to take enumeration.....	79, 08
Clerk to transmit abstract to county auditor.....	81
Auditor to act when clerk fails.....	81
Duty of auditor when county line divides original surveyed township.....	81, 82
School funds forfeited when enumeration not taken.....	82

SPECIAL DISTRICTS—Continued—

	PAGE
Penalty for making fraudulent returns	83
Who to be treasurer of school funds.....	83, 84
Treasurer to give bond, and produce funds, etc.....	84, 85
Annual settlement by treasurer with county auditor	85, 86
Penalty for failure to make such settlement.....	86
Treasurer to report balance to board	86
When treasurer may receive or pay money	86, 87
Amount of funds treasurer may hold.....	87, 88
Treasurer to deliver money, etc., to successor	88
Clerk shall execute bond	88
When orders of clerk for teacher's pay illegal	88, 89
Duties of clerk as to statistics, etc.....	88, 90
Publication of receipts and disbursements by clerk	90
Clerk to deliver books, etc., to successor.....	90
How treasurer and clerk to keep accounts.....	90, 91
Compensation of treasurer and clerk	91
Annual report by board of education	91, 92
In what form to be made, etc	92
Reports by superintendents and teachers.....	92, 93
Penalty against clerk for failing to make report to county auditor.....	93, 94
Who may be employed as teacher	100

TOWNSHIP DISTRICTS—

Definition of	6
Boundaries of sub-districts not changed.....	7
Transfer of territory from one district to another	7
Township boards may become village districts.....	8
How vote shall be taken.....	8
How board organized	9
Board of education—how constituted and organized	19
Election and qualification of directors.....	19
Notice and conduct of election	20
Meeting of directors of sub-district	20
How vacancies in sub-district board filled	21
Regular and special meetings of township board.....	22
Map of township district; change of sub-districts	22
Elections in new sub-districts.....	23
Estimate and levy for contingent fund	39
Limitation of levy for contingent fund	39
When estimate to be certified to county auditor.....	39
Apportionment of school funds by county auditor.....	41
Distribution of money after apportionment.....	42
Apportionment of contingent fund by board of education	43
County commissioners to levy contingent fund when board neglects	44
Powers of board of education.....	45
What property board has title to.....	46
School property exempt from taxation.....	47
Conveyances and contracts.....	47
Board may accept bequests	47

TOWNSHIP DISTRICTS—Continued—

	PAGE
Process against board, and how served	48
Duties of prosecuting attorney	48
Tie vote to be decided by lot.....	48
When to appoint	48
Oath of members and other officers.....	49
Organization of board	49
Vacancies in board, how filled	49, 50
Quorum of board	50
Yeas and nays to be taken in certain cases	50, 51
Absence of president or clerk	51
Record of proceedings and attestation thereof	51, 52
Board to make rules and regulations.....	52
Illegal meetings.....	52
Board to make and enforce rules for vaccination	52
Board to provide school-houses	53, 54
Directions for bidding, and for letting contracts	55, 56
When board may appropriate property	57
Erection of school-houses in joint sub-districts.....	56, 57
When and how question of tax levy submitted to voters.....	57
If levy approved board to certify it to auditor	58
How the levy may be anticipated.....	58, 59
Board may appropriate money for library, etc.....	59, 60
Sufficient schools must be provided	64, 65
Schools for colored children	65
Schools of higher grade than primary	65
Schools at "children's homes," orphans' asylums, and county infirmaries	66
Who may be admitted to public schools.....	67, 68
Directors to employ, pay, and dismiss teachers.....	71, 72
Teacher dismissed for insufficient cause may institute suit.....	72, 73
Board to determine studies and text-books.....	73
When German language to be taught	74
Sending of pupils from one district to another.....	74, 75
Children must attend school	75
Unlawful to employ children who have not attended school.....	75, 76
Board to ascertain condition of children not at school.....	76
When board may supply pupils with books.....	76
Penalties for violation of certain provisions.....	76, 77
Clerk must prosecute.....	77
Equivalent to attendance on day school.....	77
When yearly enumeration of youth to be taken	78, 79
Qualification and pay for taking enumeration in sub-districts.....	79
Clerk of board of directors to take enumeration.....	80
Clerk of board of education to transmit abstract to county auditor	81
Auditor to act when clerk fails.....	81
Dnty of auditor when county line divides original surveyed township	81, 82
School funds forfeited when enumeration not taken	82
Penalty for making fraudulent returns	83
Who to be treasurer of the school funds.....	83, 84

TOWNSHIP DISTRICTS—Continued—

PAGE

Treasurer to give bond, and produce funds, etc	84, 85
Annual settlement by treasurer with county auditor	85, 86
Penalty for failure to make such settlement	86
Treasurer to report balance to board	86
When treasurer may receive or pay money	86, 87
Amount of funds treasurer may hold	87, 88
Treasurer to deliver money, etc., to successor	88
Clerk shall execute bond	88
When orders of clerk for teachers' pay illegal	88, 89
Duties of clerk as to statistics, etc	89, 90
Publication of receipts and disbursements by clerk	90
Clerk to deliver books, etc., to successor	90
How treasurer and clerk to keep accounts	90, 91
Compensation of treasurer and clerk	91
Annual report by board of education	91, 92
In what form to be made, etc	92
Reports by superintendents and teachers	92, 93
Penalty against clerk for failing to make report to county auditor	93, 94
Who may be employed as teacher	100

JOINT SUB-DISTRICTS—

Township boards may establish by mutual agreement	27
How the school governed and supported	28
May be established on petition	28
What petition to contain	29
Clerks to give notice of filing, etc	29
When petition may be filed with probate judge	29
Security for costs to be given	29
Time and place of meeting of commissioners	30
Publication of notice	30
Commissioners to be appointed	30
Oath and duties of commissioners	30
Clerks to have present plats and papers	31
The report of commissioners	31
Effect of the report	31
Judgment for costs, what fees allowed	32
Report and judgment for sub-districts	32
How costs paid in such case	32
Petition for change of lines and for creating other districts	33
Proceedings thereon	33
When such petition may be filed with probate judge	33
Election, duties, etc., of directors	34
Power to change joint sub-districts limited	34
Contingent fund for joint sub-district	40
Same when county line divides such sub-district	41
Erection of school-houses in joint sub-districts	56, 57
Who may be admitted to the public schools	67, 68
Suspension and expulsion of pupils	68
Teachers may dismiss schools on holidays	68

JOINT SUB-DISTRICTS—Continued—

PAGE

School year, month, and week	69
Board to control schools and appoint officers	69, 70, 71
Equivalent to attendance on day school	77
Enumeration in joint sub-districts	80
School funds forfeited when enumeration not taken	82
Penalty for making fraudulent returns	83
Who may be employed as teacher	100

SCHOOL FUNDS—

The "State common school fund"	35
Interest upon proceeds of salt and swamp lands	35
The "common school fund"	36
Accounts of common school fund—how kept, etc.	36
Bequests, etc., in trust for common school fund	36
Apportionment of school funds by auditor of state	37
To what county common school fund paid when county line divides original surveyed township	38
Funds of district in more than one county	41

EXAMINERS—

State board of, appointment, term of office, and vacancy	95, 96
Board may grant life certificates	96
Shall keep record	96
Certificates must be countersigned by state commissioner	96
Certificates may be revoked by board	96
Fee for examination	96
Probate judge to appoint county board of examiners	96, 97
Term of board	97
Vacancies in board	97
Who ineligible as examiner	97, 98, 105
President and clerk of board	98
Certain duties of clerk	98
Meetings of board, notice of to be published	98
Meeting, number of, annually	98
Fee for examination	98
Fees to be paid to county treasurer quarterly	98, 99
Traveling expenses of board	99
Validity and revocation of certificates	99, 100
Certificate a pre-requisite to employment	100
Special studies	100
Compensation of examiners	101
Incidental expenses of board	101
Annual report of clerk	101, 102
Bond of clerk	102
Board of examiners for city districts of the first class	102, 103
Board to determine the standard of qualification for teachers	103
Organization of board	103
Bond of clerk	103
Meetings, and publication of notice	103, 104

EXAMINERS—Continued—

PAGE

Examination fee	104
Powers of board	104
Compensation of examiners	104
Incidental expenses of	104
Duties of clerk	104, 105
Disposition of fees	104, 105
Board of examiners of city districts of the second class and village districts ..	105
Who ineligible as examiner	105

TEACHERS—

Not to suspend or expel pupils	68
May dismiss schools on holidays	68
To be employed, in certain districts, by board of education	70
May be dismissed for certain cause	71
To be employed, in township districts, by directors of sub-districts	71
Township board may increase but not diminish salaries or pay	71
May be dismissed by sub-district directors for sufficient cause	71
May be paid at end of month or end of term	71
When township shall employ teachers	71
Teachers dismissed by directors of sub-district may institute suit	72
Teachers required to make reports	92
Pay to be withheld for failure to make reports	92
Certificate a pre-requisite to employment	100
“ may be revoked	100
Teachers in certain districts may dismiss school to attend institute	107

TEACHERS' INSTITUTES—

Teachers' institute, how organized	106
Managing committee to give bond	106
Payment of institute fund to committee	106
Balance on hand to be returned to county treasurer	106
Institute committee to report within thirty days	107
Penalty for failing to report	107
Proceedings on forfeiture of committee's bond	107
When school commissioner to hold institute	107
Teachers may dismiss school to attend institute	107
Institute for city districts of the first class	108
Institute for teachers of adjacent counties	108, 109
Length of session	109
Report of certain institutes	109

DUTIES OF COUNTY AUDITORS—

To assess estimate certified by boards of education	39, 40
To add estimate made for joint sub-districts	40
“ “ “ when county line divides such sub-district	41
To make settlement with other county auditors	41
To make apportionment of school funds	41, 42
To distribute money after apportionment	42, 43
To collect fines, etc., and inspect section sixteen accounts	45

DUTIES OF COUNTY AUDITORS—Continued—

PAGE

To place special levy upon tax duplicate	58
When to take enumeration	81
Duty when county line divides original surveyed township	81
Auditor to furnish abstract of enumeration to state commissioner	82
To give certificate of settlement to treasurer	86
When to institute suit against treasurer	86
To file bond of clerk of board	88
To supply clerk and treasurer with blank book	90
Duties of auditor as to school statistics, etc	93
Penalty against auditor	93
When to appoint person to make reports	94
Further penalties against auditor	94
Compensation of auditor	94, 95
When to give order for institute fund	106

CINCINNATI AND TOLEDO UNIVERSITIES—

Common council of Cincinnati may accept educational trusts	109
How trust funds to be applied	110
Trusteeship to vest in city, etc	110, 111
Board of directors	111
How appointed, etc	111
Powers of board	112
Citizens not be charged for admission of children	112
Accounts and expenditures	113
When board may confer degrees	113
Site and grounds	113
When and how tax may be levied	113
Provisions applicable to the city of Toledo	114
Rate of tax	114

STATE COMMISSIONER OF COMMON SCHOOLS—

Commissioner shall be elected	117
Term of office	117
Vacancy, how filled	117
Official bond	117
Oath of office	117
Office, etc., at seat of government	117
Duties in visiting the several judicial districts	118
Supervision over school funds	118
Power to require reports from certain officers	118
Shall prepare forms, etc	118
Duties as to distribution of school laws	118
Shall make annual report	119
What shall be embraced in report	119
Power to require reports from private schools	119, 120
Shall prescribe form for abstract of enumeration	81
Shall prescribe blanks for auditors' abstract of enumeration	83
When to have enumeration retaken	83
Shall require auditors to distribute circulars, blanks, school laws, etc	93
Shall issue certificate for auditors' compensation	94

STATE COMMISSIONER OF COMMON SCHOOLS—Continued—

PAGE

Power to appoint state board of examiners.....	95
Shall countersign state certificates.....	97
When to hold teachers' institute	107
Duties on complaint of fraudulent use of money	120
To appoint an accountant to investigate charges.....	120
Powers and duties of such accountaant or examiner.....	120, 121
His compensation	121
Payment thereof	121
What report to be given in charge of the grand jury.....	121, 122
Duty of prosecuting attorney.....	122

OPINIONS AND INSTRUCTIONS.

ACTS—	PAGE
of de facto officer valid until removal	48
ADMISSION—	
of children outside of district	74
ANTEDATING—	
of certificates	99
APPEAL—	
to county commissioners	7
APPORTIONMENT—	
of school funds	38
ASSISTANT TEACHER—	
must have legal certificate in order to receive pay	89
ATTENDANCE—	
compulsory	77
AUDITOR—	
supervision of over school moneys	85
BOARD OF EDUCATION—	
change of residence of members	9
organization of	19, 21
when business to be done	21
notice of meeting and reception of	21
when notice not required	50, 51
adjourned meetings of	22
free from certain liabilities	46
succeeds to certain rights	46
employment of members illegal	47
suits against	48
vacancy in	49
limitation of term	49
members of voting on business matters	50
a corporate body	50
must act at a meeting	50
to prescribe course of study	73
duty of in regard to course of study	74
stationery for	92
township, liability of directors for illegal contracts	54
“ directors of must report contracts	54
“ to control colored schools	65
“ how becomes vested with powers of village board	8

CERTIFICATES—	PAGE
antedating of.....	99
revocation of.....	99
requisites for.....	100
CLERK—	
duties and liabilities of.....	89
township, his rights.....	19
liable for all damages resulting from neglect to take enumeration.....	38
pro tempore.....	21
when should appoint directors.....	22
orders on, not negotiable.....	50
COLORED SCHOOLS.....	65
COMPULSORY ATTENDANCE.....	77
CORPORAL PUNISHMENT—	
sanction of.....	69
not to be cruel or oppressive.....	69
teacher's right to inflict.....	69
teacher's liability for inflicting.....	70
COUNTY COMMISSIONERS—	
may be appealed to against transfer.....	7
when to act as board of education.....	44
when they may appropriate funds for erection of school-houses.....	54
DIRECTORS—	
when township clerk should appoint.....	22
to be building committees in township districts.....	43
employment of teachers by.....	72
liability of for illegal contracts.....	54
required to report contracts.....	54
DISTRICTS—	
school defined.....	5
names of certain obsolete.....	7
sub, defined.....	7, 23
sub, considerations in forming.....	23
sub, change of boundaries of.....	23, 22
sub, joint, how formed.....	27, 29
“ teacher thereof.....	27
“ clerk's residence of.....	28
“ how supported.....	28
ELECTIONS—	
electors of wards to vote at ward polls, etc.....	13
time of notice of.....	15
purpose to be stated in notice.....	15
township board not to decide as to legality of.....	19
time noted on ballots.....	19
for directors, who may vote.....	19
manner of electing superintendent or teacher.....	51

EMBEZZLEMENT—	PAGE
by school officers.....	86, 87
ENUMERATION—	
of youth, who included in.....	78, 79
pay for taking.....	79
care in taking.....	83
when auditor may take.....	38
EXAMINERS—	
legal qualifications of.....	96
must take oath.....	97
removal of.....	97, 98
vacancy in office of.....	96
liability of for fees.....	99
fees to be paid quarterly.....	98, 99
traveling expenses.....	99
meetings of.....	99
compensation of.....	101
current expenses.....	101
certain persons ineligible as.....	105
FINES—	
how distributed.....	38
FUNDS—	
apportionment of.....	38
supervision over by school commissioner.....	38
in township treasury apportioned, how, when village district is formed.....	17
GERMAN—	
in schools.....	74
INJUNCTION.....	48
INSTITUTES—	
teachers should organize.....	106
duties of executive committee.....	106
certain teachers may dismiss school for.....	107
and teachers of graded schools.....	108
funds not disbursed must be returned to county treasurer (sec. 4087).....	106
MANDAMUS.....	48
ORDERS—	
for teachers' pay.....	89
remedy against illegal.....	89
in hands of a purchaser.....	89
QUO WARRANTO.....	48
RELIGIOUS INSTRUCTION—	
not enjoined.....	73
SCHOOL DISTRICT—	
defined.....	5

OHIO SCHOOL LAWS.

SCHOOLS—	PAGE
protected from disturbances	47
for colored children	65
SCHOOL FUNDS—	
supervision over by state commissioner	38
kinds of	39, 40
to what purposes applied	39, 40
retained in custody of treasurer	43, 54
apportionment of to sub-districts	43
remedy for illegal distribution	43
SCHOOL HOUSES—	
custody of	53
use of	53
selection of sites for	54
SCHOOL PROPERTY—	
protection of	47
STATE COMMISSIONER—	
supervision of over funds	38
STATIONERY—	
for boards of education	92
SUSPENSION—	
from school	68
damages for wrongful	68
TEACHERS—	
in children's homes, orphans' asylums, etc., must have certificates	65
dismissal of	69, 70, 71
liability of for inflicting corporal punishment	70
may punish pupil for misconduct after dismissal of school	70
employment of by directors	72
“ “ township board	72
wages of in township districts	72
payment of	72
orders for pay of	89
certificate for time of service	89
must keep register	92
should organize institutes	106
certain may dismiss school to attend institutes	107
TERRITORY—	
attached for school purposes	5, 6
detached “ “	6
transferred	7
withdrawn from township district	16
TITLE—	
to school property transferred	17
TOWNSHIPS—	
change of boundaries	7

TREASURER—	PAGE
in certain districts	84
release of surety of.....	84
pay of	91
bond required in all cases.....	84
official bond to be recorded.....	84
certified copy of to be sent to auditor.....	84
 TUITION—	
of non-resident pupils	74
 VILLAGE—	
forfeiture of charter, effect of.....	18

APPENDIX—FORMS AND INSTRUCTIONS.

CHAPTER I.—FORMS FOR SCHOOL DIRECTORS—

	PAGE
1. Notice of sub-district school meeting	125
2. Tally-sheet of sub-district election	126
3. Notice of special school meeting	126
4. Minutes of sub-district school meeting	127
5. Certificate of election of school directors	127
6. Oath of school director	127
7. Appointment of school director	127
8. Meeting of school directors	128
9. Contract between directors and teachers	128
10. Certificate for teachers' pay	128
11. Contract for fuel, repairs, etc.	128
12. Certificate of amount due for fuel, etc	129
13. Dismissal of teacher	129
14. Visit to school	130

CHAPTER II.—FORMS FOR TOWNSHIP BOARDS OF EDUCATION—

15. Notice of meeting to vote a tax for building purposes	130
16. Notice of special meeting of township board	130
17. Certificate of annual estimates	130
18. Certificate of annual estimates for joint school	131
19. Different modes of altering sub-districts	131, 132
20. Notice of election in a new sub-district	132
21. Organization of a joint sub-district school	132
22. Petition to board of education	133
23. Clerk's notice to members of board	133
24. Petition to probate judge	133
25. Appointment of commissioners by probate judge	134
26. Report of commissioners	134
27. Assignment of scholars to central high school	134
28. Appointment of librarian	135
29. Bond of librarian	135
30. Order on township treasurer for teacher's pay	135
31. Order on treasurer other than for teacher's pay	136
32. Form of deed	136
33. Form of lease	137

CHAPTER III.—ENUMERATION FORMS—

34. Enumeration of youth in sub-districts containing no school-land territory.	138
35. Enumeration of youth in sub-districts containing school-land territory..	139
36. Enumeration returns of township clerk to county auditor	140
37. Auditor's return of enumeration to State commissioner	141

CHAPTER IV.—FORMS FOR CLERKS, TEACHERS, AND TREASURERS—		PAGE
38.	Bond of township treasurer as treasurer for board of education.....	142
39.	Certificate of treasurer's bond.....	142
40.	Bond of treasurer for village or special school district	143
41.	Bond of clerk—village or special school district	143, 144
42.	Clerk's bond—township board of education.....	144, 145
43.	Report and certificate of school funds in treasury	145
44.	Final receipt of township treasurer.....	146
45.	“ “ clerk	146
46.	Teacher's daily register	147
47.	“ term register	148, 149
48.	“ report to the township clerk	150, 151, 152
49.	Township clerk's abstract of sub-district teachers' reports	153, 154, 155
50.	Report of the board of education.....	156
51.	Township treasurer's general account with township	162
52.	“ “ account with the several sub-districts.....	163
53.	Report of the township treasurer to the county auditor.....	164

CHAPTER V.—FORMS FOR SCHOOL EXAMINERS, AUDITORS, ETC.—

54.	Appointment of school examiners.....	165
55.	Revocation of appointment of school examiner	166
56.	Notice of meetings for the examination of teachers	166
57.	Teacher's certificate	166
58.	Revocation of teacher's certificate	167
59.	Quarterly report to county treasurer	167
60.	Form of school examiner's register	168
61.	Report of school examiners to state commissioner.....	169
62.	Auditor's report of teachers' institute fund	170
63.	Constitution for county teachers' association	170
64.	Report of colleges, seminaries, and academies.....	171

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