

*Board of Education vs. State, ex rel. Sipe*, 115 O. S. 333. My immediate predecessor also so ruled in an opinion to be found on p. 966, Vol. II, Opinions of Attorney General for 1928.

In the opinion above referred to, the Attorney General also ruled that when school territory lying within one county school district is transferred to a contiguous county school district by authority of Section 4696, General Code, the district to which the transfer is made may or may not accept the transfer, and I concur in this view.

The Seneca County Board of Education, however, does not have jurisdiction conferred by law to make transfers of territory from a district of its county school district to a contiguous city school district, as in the case of transfers between districts of the county school district under Section 4692, General Code.

It should be observed that the mere making of the transfer by the Seneca County Board of Education does not make the transfer complete. The board of education of the Tiffin City School District must first accept the transfer so made, and there is no statutory authority to compel the city board to accept a transfer of territory if it does not wish to do so, no matter how many persons petition for it.

Answering your specific inquiry, I am of the opinion that it is discretionary with a city board of education whether or not it will accept the transfer of the territory of a contiguous rural school district made to it by the county board of education.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

977.

APPROVAL, BONDS OF HENRY COUNTY—\$10,000.00.

COLUMBUS, OHIO, October 3, 1929.

*Industrial Commission of Ohio, Columbus, Ohio.*

978.

APPROVAL, BONDS OF PUTNAM COUNTY—\$5,151.06.

COLUMBUS, OHIO, October 3, 1929.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*