

4030

BOARD OF EDUCATION—UNAUTHORIZED TO PAY TUITION OF
HIGH SCHOOL STUDENTS TO KENT STATE NORMAL COL-
LEGE—HIGH SCHOOL MAINTAINED BY SUCH COLLEGE.

SYLLABUS:

A school district board of education may not lawfully pay tuition to the Kent State Normal College for pupils of the district who attend a high school maintained by said college, even though the district does not maintain a high school.

COLUMBUS, OHIO, February 5, 1932.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“I shall be glad to have your opinion as to whether a Board of Education outside the city of Kent may pay tuition to the Kent State Normal High School, which is a training school conducted as a part of the Kent State Normal College.”

The authority for a board of education to pay tuition for resident pupils who attend schools other than those maintained by the board is purely statutory. This authority is found in Sections 7734, 7736, 7747, 7748, 7748-1, 7750 and cognate sections of the General Code. An examination of these several sections of the Code authorizing boards of education to pay tuition for school attendance outside the district clearly shows that the payment of tuition to any other agency than a board of education for some other school district in Ohio is not contemplated.

There is no authority, either express or implied, in the statutory law of Ohio for the payment of tuition by a school district board of education to a normal school or college for any of the resident pupils of the district. In the absence of such authority no other conclusion can be reached than that the authority does not exist.

I am therefore of the opinion, in specific answer to your question, that a school district board of education may not lawfully pay tuition to the Kent State Normal College for pupils of the district who attend a high school maintained by said college, even though the district does not maintain a high school.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4031

MIAMI UNIVERSITY—MAY ENTER INTO A BINDING CONTRACT
—PUBLIC INSTITUTION WITHIN MEANING OF SECTION
1809-1, G. C.

SYLLABUS:

1. *While Miami University may not have all the attributes of a public institution, it is nevertheless a public institution within the perview or meaning of Section 1809-1, General Code.*