

3634.

## EXPENSES—STATE SCHOOL FOR THE DEAF—PAID BY PUPIL OR COUNTY OF RESIDENCE.

*SYLLABUS:*

*Traveling and incidental expenses for pupils who attend the state school for the deaf should be paid by the pupils themselves or those having them in charge.*

COLUMBUS, OHIO, October 5, 1931.

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

DEAR SIR:—My opinion is requested with reference to the following:

“The question of payment of transportation of deaf children to the School for the Deaf in Columbus in September and to their homes in June has been brought up.

There are a large number of children who would attend this school if they knew the tuition was free and that transportation would be paid. Does Section 7755-2 apply in this case?”

Section 7755-2, General Code, to which you refer in your letter, reads as follows:

“If a child resident of one school district attends in another district a class for the blind, deaf, or crippled, or a class in which some special instruction needed by the child because of his handicap is provided, the board of education of the district in which he resides may pay his tuition in a sum equal to the tuition in the district in which such class is located for a child of normal needs of the same school grade. The board of education of the district in which such child resides may pay for his transportation to the class in the other district; and the board of education of the district in which the class he attends is located may provide his transportation to the class. Upon direction of the director of education the board of education of the district in which such child resides shall pay for his transportation and tuition.”

The above section, you will observe, relates to the payment of tuition and transportation for the blind, deaf and crippled children of a school district who attend special classes for those children in another school district. It was originally enacted as a part of an act of the legislature authorizing the establishing, by permission of the director of education, of special classes for blind, deaf and crippled persons and cannot be made to apply in cases where any of those classes of children attend a state institution maintained for the special purpose of providing educational advantages for the inmates thereof.

The state school for the deaf is an institution maintained by the state, provision for which is made by sections 1872 to 1881, inclusive, of the General Code of Ohio. These sections are contained in chapter 1, division 2, title 5, of the General Code of Ohio. Said title 5 relates to state institutions. Division 2 thereof relates to benevolent institutions.

Provision is made for the expense of clothing and paying incidental expenses, including traveling expenses for inmates of state benevolent institutions, by sec-

tion 1815 of the General Code of Ohio. Provision for the payment and collection of these expenses is made by section 1816 of the General Code. Said sections 1815 and 1816 read as follows:

Sec. 1815. "All persons now inmates of, or hereafter admitted into, a benevolent institution, except as otherwise provided in this chapter, and except as otherwise provided in chapters relating to particular institutions, shall be maintained at the expense of the state. They shall be neatly and comfortably clothed and their traveling and incidental expenses paid by themselves or those having them in charge."

Sec. 1816. "In case of failure to pay incidental expenses, or furnish necessary clothing, the steward or other financial officer of the institution may pay such expenses, and furnish the requisite clothing, and pay therefor from the appropriation for the current expenses of the institution, keeping and reporting a separate account thereof. The account so drawn, signed by such officer, countersigned by the superintendent shall be forwarded by such officer to the auditor of the county, from which the person came; and such auditor shall issue his warrant, payable to the treasurer of state for the amount of such bill and charge the amount to the current expense fund. The county auditor shall then collect the account in the name of the state as other debts are collected."

An examination of sections 1872, et seq., of the General Code, relating specifically to the state school for the deaf, will disclose that there is no specific provision for the payment of the traveling expenses of pupils who attend this school; nor is there any specific provision for the payment of these expenses in any sections of the Code other than said sections 1815 and 1816 quoted above.

I am therefore of the opinion in specific answer to your question that section 7755-2, General Code, referred to in your inquiry, has no application whatever to the payment of traveling expenses for pupils attending the state school for the deaf. This matter is controlled by sections 1815 and 1816 of the General Code of Ohio.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3635.

APPROVAL, BONDS OF FAYETTE TOWNSHIP RURAL SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO—\$3,151.65.

COLUMBUS, OHIO, October 5, 1931.

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