

4827.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—WILLIAM R. FLACK.

COLUMBUS, OHIO, December 17, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4828.

BOARD OF EDUCATION—MAY ESTABLISH HIGH SCHOOLS—REPEAL OF SECTION 7663, G. C., IMMATERIAL.

*SYLLABUS:*

*Although former Section 7663, General Code, which specifically authorized a board of education to establish one or more high schools whenever it deemed the establishment of such a school or schools proper or necessary for the convenience or progress of the pupils attending them, or for the conduct and welfare of the educational interests of the district, was repealed in 1929, ample authority still exists for a board of education to establish such schools when it is deemed to be proper or necessary for the conduct and welfare of the educational interests of the district.*

COLUMBUS, OHIO, December 19, 1932.

HON. HOWARD M. NAZOR, *Prosecuting Attorney, Jefferson, Ohio.*

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

“Under former Section 7663, it was provided that the Board of Education could establish a high school within its district. This section, however, together with other sections preceding and following it, was repealed, effective July 26, 1929, and I have not been able to find any section taking its place.

I would appreciate your advice as to how the local board can establish a high school under the present law.”

A high school is defined by Section 7649, General Code, as a school of higher grade than an elementary school, in which instruction is given in certain enumerated advanced courses of study. Said Section 7649, General Code, is today the same as when enacted in 1902 (95 O. L. 115), when it was known as Section 4007-2, Revised Statutes. In the same act of the legislature wherein said Section 4007-2, Revised Statutes, was enacted, there was enacted Section 4007-1, Revised Statutes, which defined an elementary school as one in which instruction and training are given in certain enumerated elementary branches of learning. Said Section 4007-1, Revised Statutes, was codified as Section 7648, General Code and was amended in 1925 (110 O. L., 415). As amended, this section defined an elementary school very much as it previously had been defined except that there was added, after enumerating the elementary branches of learning in which instruction and training was to be given, the following: