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TUBERCULOSIS HOSPITAL—WHERE CHILDREN OF SCHOOL AGE RECEIVED IN SUCH DISTRICT HOSPITAL, SCHOOL DISTRICT FROM WHICH CHILDREN ADMITTED, LIABLE FOR EDUCATIONAL EXPENSE—NO EXCEPTION IF PARENTS OR GUARDIANS BECOME RESIDENTS OF DIFFERENT SCHOOL DISTRICT—EXCEPTION, IF CHILDREN DISCHARGED AND RETURNED TO HOMES—WHEN CHILDREN LATER RE-ADMITTED TO HOSPITAL, EXPENSE CHARGEABLE TO DISTRICT FROM WHICH THEY WERE RE-ADMITTED.

SYLLABUS:

The school district from which the children of school age are originally admitted to or received in a district tuberculosis hospital is liable for the expense of the education of the said children while in said hospital, even though the parents or guardians of the children move and become residents of a different school district during the time the children are patients in the said hospital, unless the children are discharged from the hospital and return to their homes, as being cured or sufficiently recovered to admit of such action, in which case, if the children are later re-admitted to the hospital, the district from which they are re-admitted would become liable for the expense of their said education.

Columbus, Ohio, April 7, 1942.

Hon. John M. Kiracofe, Prosecuting Attorney,
Eaton, Ohio.

Dear Sir:

I am in receipt of your request for my opinion which reads as follows:

“The last sentence of Section 7644-2 referring to the cost of instruction for children in tuberculosis schools, reads as follows:

‘The expense of such instruction in the case of a district tuberculosis hospital shall be prorated at the end of each month to the local boards of education of the various districts from which children have been received; according to the number of days the children were instructed, and bills for the respective amounts shall be paid by such local boards of education promptly upon presentation.’

We have in this county two children who were admitted to the District Tuberculosis Hospital at Dayton, Ohio, while their parents were residents of Lanier Township. Since their admission the parents moved to Jefferson Township School District

and at the present time the parents are residing in the Eaton School District.

QUERY: Is the school district from which the children were admitted, liable for payments to the District Tuberculosis Hospital when the parents, subsequent to the children's admission to the Tuberculosis Hospital, establish residence in another school district?"

By authority of Sections 3148 to 3153, inclusive, General Code, the county commissioners of the several counties under circumstances as recited in said statutes, may join in establishing and maintaining a district tuberculosis hospital, the control thereof when established, to be vested in a board of trustees appointed by the joint board of commissioners which had established the hospital.

Provision is made in Section 7644-2, General Code, to the effect that the board of trustees of each district tuberculosis hospital, the county commissioners of each county hospital for tuberculosis, and the managing officer or officers of each municipal hospital for tuberculosis shall provide for the education of children of school age admitted to such hospital. The manner by which the expense incident to the education of the children in the different classes of tuberculosis hospitals is to be met, is also fixed by the terms of this statute, the particular provision relating to district tuberculosis hospitals being that quoted by you in your inquiry. The language used by the legislature in the said statute relating to the payment of the expense of educating children in district tuberculosis hospitals is clear and unambiguous and subject to but one understanding which is clearly expressed therein. The word "received" is in common usage and its ordinary meaning is well understood. One of the definitions given by Webster, of the word "receive" is, "to admit" or "to take in." In the case of *Standard Oil Company of Indiana vs. United States*, 164 Fed., 376, 390, the court said:

"The ordinary and accepted meaning of 'receive' is synonymous with that of 'accept'."

It is a well settled principle of law that words of common usage should be given their usual ordinary and natural meaning or signification according to their common usage when applying a statute, unless there is some indication to the contrary in the statute or in cognate statutes, and it will be presumed unless there is something to indicate otherwise,

that the legislature used the words in their known and ordinary signification. See Crawford on Statutory Construction, page 317, and authorities cited. In 37 Ohio Jurisprudence, Section 278, page 514, it is said:

“Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation. To interpret what is already plain is not interpretation but legislation, which is not the function of the courts, but of the general assembly. * * * An unambiguous statute is to be applied, not interpreted.”

In applying the language of the statute here involved to the situation upon which your inquiry is predicated, it cannot be said that the children in question were “received” from any other district than the Lanier Township District even though the parents of these children later removed to Jefferson Township District or the Eaton School District while the children still remained in the hospital in pursuance of their first admission thereto.

Of course, if these children should be discharged from the hospital and permitted to return to their homes as having been sufficiently improved to permit of such action and were later re-admitted to the hospital they would be held to have been received from the school district from which they were last received or admitted.

In specific answer to your question I am of the opinion that the school district from which the children of school age are originally admitted to or received in a district tuberculosis hospital is liable for the expense of the education of the said children while in said hospital, even though the parents or guardians of the children move and become residents of a different school district during the time the children are patients in the said hospital, unless the children are discharged from the hospital and return to their homes as being cured or sufficiently recovered to admit of such action, in which case, if the children are later re-admitted to the hospital, the district from which they are re-admitted would become liable for the expense of their said education.

Respectfully,

THOMAS J. HERBERT
Attorney General.