

board of education has had a good and sufficient reason for not having met the requirements in order that the school could have been classified by the director of education as mandatorily required by the provisions of Section 7651, General Code.

It must be remembered that this discretion vested in the director of education and the state controlling board is subject to the limitation that such discretion must not be exercised in an arbitrary and prejudicial manner. The rule applicable is expressed in 32 O. J., 934, as follows:

“If the power to determine a question of fact has been given by law to an officer, his determination is final in the absence of any controlling provision of the statute, provided he has not been guilty of an abuse of discretion.”

Therefore, in specific answer to your question, it is my opinion that, the director of education is within his legal rights in allocating or distributing “funds to a board of education for the operation of a school which does not meet the standards established for qualification as a first, second or third grade high school,” if the board of education maintaining and operating such school establishes to the satisfaction of the director of education and the state controlling board a good and sufficient reason for not having met the requirements in order that the school could have been classified by the director of education as mandatorily required by the provisions of Section 7651, General Code.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2024.

APPROVAL — BONDS VILLAGE OF BLOOMDALE, WOOD COUNTY, OHIO, \$11,000.00, PART OF ISSUE DATED DECEMBER 1, 1935.

COLUMBUS, OHIO, March 8, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.
GENTLEMEN :

RE: Bonds of Village of Bloomdale, Wood County,
Ohio, \$11,000.00 (Unlimited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of waterworks bonds in the aggregate amount of \$12,000, dated December 1, 1935, bearing interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said village.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2025.

APPROVAL—BONDS OF CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO, \$3,000.00, PART OF ISSUE DATED SEPTEMBER 1, 1920.

COLUMBUS, OHIO, March 8 1938

State Employees Retirement Board, Columbus, Ohio

GENTLEMEN:

RE: Bonds of City of Columbus, Franklin County,
Ohio, \$3,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated September 1, 1920. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of September 12, 1935, being Opinion No. 4651.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.