

2523.

APPROVAL, BONDS OF CITY OF FOSTORIA, SENECA COUNTY, \$15,000.

COLUMBUS, OHIO, May 29, 1925.

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

2524.

SCHOOLS—TUITION—SECTION 7735 GENERAL CODE CONSTRUED

SYLLABUS:

When under the provisions of section 7735, General Code, elementary pupils attend a nearer school than that to which they are assigned, the distance should be measured over the public highway and not over private property; and the district receiving such pupils is entitled to collect for their tuition from the district of their residence, such collection, however, being subject to the notice provided in said section.

COLUMBUS, OHIO, June 1, 1925.

HON. VERNER E. METCALF, *Prosecuting Attorney, Marietta, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date, in which you submit for my opinion the following question and statement of facts:

“Barlow rural school district assigned pupils to a rural school which school is two and one-half miles from the residence of these pupils measured around the public highway or road. The board of education secured verbal permits from various land owners, authorizing these pupils to travel across their farms in order to attend this school and the distance from their home to the school across the fields was 1.52 miles. The parents of these pupils refused to allow their children to attend this school by going across the fields, insisting that the same was not a public highway and that they could not be compelled to go the route established or attempted to be established by the board of education. These pupils were sent by their parents to a special school district and this special school district is now attempting to collect from the Barlow rural school district approximately \$154.00 tuition. This covers approximately three years tuition.”

Your statement also seems to indicate that the school attended is slightly less distant from the pupils in question than the school to which they were assigned. Your question, in effect, is as follows:

Can the board of education of the special school district collect tuition from the Barlow rural school district, under the statement of facts above set forth?