

The law relating to what is commonly termed "State aid" for weak school districts, technically, participation by certain school districts in the State educational equalization fund, will be found in sections 7595, et seq., of the General Code of Ohio. Provision is there made for the establishment of a State educational equalization fund for the equalization of educational advantages throughout the State. Before any school district may participate in this fund, an application must be made by the school district authorities for participation in the fund as directed by section 7595-1, General Code. This application is directed to the director of education. After the application is made, the director of education conducts an investigation to determine the requirements of the district and whether or not under the law the application may be granted, and if so granted, the amount which will be given from the educational equalization fund to the particular district.

Unless the district applying for participation in this fund is entitled to participate in the fund in accordance with the provisions of the statutes named, the director of education is not authorized or permitted to grant the application. Even if the district is entitled under the law to participate in the educational equalization fund, and the director so finds, the extent of such participation must be determined by the director with a view to the granting of all other requests for participation in the fund from districts equally entitled to participate therein. The director is limited in granting these requests in the aggregate to the amount available for the purposes. There are a great many such applications and the amount of the fund from which all allotments made by the director of education must be paid is limited by the amount appropriated by the General Assembly.

No complete and satisfactory definition has ever been given of the expression "in process of collection" as used in section 5625-33, supra. It seems clear, however, that upon the mere application of a school district to participate in the State educational equalization fund it cannot be said that the district's participation in the fund is then in process of collection. Until the director of education determines that the district is entitled to participate in the fund and the amount of such participation that may be granted to the district, it is not known by the district officials or any one else whether or not any funds will be made available by reason of the participation.

After the application is granted and the amount fixed by the director of education, it may properly be said, in my opinion, that those funds are then in process of collection and it is proper for the fiscal officer of the district to so consider them when making certifications as provided by said section 5625-33, General Code.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3609.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN HOLMES COUNTY, OHIO.

COLUMBUS, OHIO, September 28, 1931.

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