

OPINION NO. 67-063**Syllabus:**

1. Each school district must provide vocational education.
2. A school district shall pay tuition and may pay transportation costs for students taking vocational education in another school district.
3. A school district may not pay board for a student taking vocational education in another district.

To: Dennis J. Callahan, Lawrence County Pros. Atty., Ironton, Ohio
By: William B. Saxbe, Attorney General, June 30, 1967

I have before me your request for my opinion on the following question:

"Section 3313.90 provides for Vocational Educational Programs for each school district. A local board of education has submitted the following question:

"Since the Symmes Valley Board of Education does not have a Vocational School, and no Vocational School exists within this county under this section of law, and any other applicable law, is it compulsory for the Board

of Education to pay tuition, transportation or board for students who wish to take vocational training during their Junior and Senior years of High School?"

Section 3313.90, Ohio Revised Code, states:

"Each school district shall establish and maintain a vocational education program adequate to prepare pupils for an occupation which program shall meet standards adopted by the state board of education. A school district which is a member of a joint vocational school district or which contracts with a joint vocational school district or another school district for vocational education and which meets the standards adopted by the state board of education is in compliance with this section."

This statute places a mandatory duty upon each school district in the state of Ohio to provide a vocational education program. The Legislature has made no exceptions.

The school district may provide vocational education by any of the four alternatives established by Section 3313.90, supra.

First, the school district may provide for such education by establishing such a program in its own school system.

Secondly, the school district qualifies if it is a member of a joint vocational school district.

Third, the school district qualifies by contracting with a joint vocational school district for such services.

And fourth, the school district may contract with another school district to provide vocational education.

Boards of education are permitted to contract for attendance and transportation of students by Section 3327.04, Ohio Revised Code, which reads as follows:

"The board of education of any city, exempted village, or local school district may contract with the board of another district for the admission or transportation, or both, of pupils into any school in such other district, on terms agreed upon by such boards. Whenever a board not maintaining a high school enters into an agreement with one or more boards maintaining such school for the schooling of all its high school pupils, the board making such agreement is exempt from the payment of tuition at other high schools of pupils living within three miles of the school designated in the agreement. In case no such agreement is entered into, the high school to be attended can be selected by the pupil holding an eighth grade diploma, and the tuition shall be paid by the board of the district of school residence."

The payment of tuition is authorized by Section 3327.06, Ohio Revised Code, which states in part:

"When a pupil attends school, pursuant to section 3327.04 of the Revised Code, in a district other than the district in which he is a school resident, tuition for such attendance shall be credited and paid in the manner provided in section 3317.08 of the Revised Code."

School boards are permitted to provide transportation for high school students by Section 3327.01, Ohio Revised Code, which provides in part:

"In all city, exempted village, and local school districts the board may provide transportation for resident high school pupils to and from the high school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend."

There is no statutory authority for a board of education to pay board for students taking vocational training.

Therefore, it is my opinion and you are hereby advised as follows:

1. Each school district must provide vocational education.
2. A school district shall pay tuition and may pay transportation costs for students taking vocational education in another school district.
3. A school district may not pay board for a student taking vocational education in another district.