

1795.

APPROVAL, BONDS OF MARION COUNTY, OHIO, IN AMOUNT OF \$38,000 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, January 17, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

1796.

BOARD OF EDUCATION—TRANSPORTATION OF CHILDREN WHO LIVE LESS THAN TWO MILES FROM RURAL ELEMENTARY SCHOOL, OPTIONAL—WHEN BOARD RECEIVING ELEMENTARY PUPILS FROM ANOTHER DISTRICT CAN COLLECT TUITION—NOTICE REQUIRED BY SECTION 7735 G. C. DISCUSSED.

1. *The transportation of children who live less than two miles from a rural elementary school is optional with the board of education (7731).*

2. *A school district receiving elementary pupils from another district because such pupils are attending their nearest school and are located more than one and one-half miles from the school to which assigned, can collect the tuition for such pupils from the district in which they reside (7735 G. C.).*

3. *The "notice" required by section 7735 G. C. is a notice from the board of education in which the pupils are attending to the board of education of the district in which they reside that a claim will be made for tuition, the purpose of such notice being to give the debtor board opportunity to settle the claim before the expense of suit is incurred.*

COLUMBUS, OHIO, January 18, 1921.

HON. WALTER B. MOORE, *Prosecuting Attorney, Woodsfield, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your request for the opinion of this department on the following statement of facts:

"R. with a family of three children of school age live in the Norris school district, in Center township, Monroe county, Ohio, and school is being conducted by the board of education in that district. R. lives more than one and one-half miles from the Norris school house, and less than two miles therefrom and within about one-half mile of the Woodsfield village school.

"Can the board of education of Center township be compelled to transport R.'s children of school age to Norris school house?"

"If R.'s children attend the Woodsfield village school, can the board of education of Woodsfield village district collect compensation for their attendance from the board of education of Center township if notice is given as required by law?"

Your first inquiry is as to whether the board of education of Center township will be compelled to transport these children of school age to the rural (Norris) school house. The answer to this question is found in section 7731, as amended in 107 O. L., page 625, which provides that in all rural and village school districts,