

1771.

INMATES OF COUNTY CHILDREN'S HOME—CHILDREN OF HIGH SCHOOL AGE ENTITLED TO TRANSPORTATION OR IN LIEU THEREOF BOARD AND LODGING WHERE NO HIGH SCHOOL IS MAINTAINED IN DISTRICT WITHIN FOUR MILES OF HOME—DUTY OF PROVIDING SUCH TRANSPORTATION.

## SYLLABUS:

*Children of high school age and who are otherwise eligible to high school, who are inmates of a county children's home, may be and under certain circumstances should be transported to high school. Where no high school is maintained in the district within four miles of the residence of such children nor high school branches taught in the elementary school as provided in section 7648, General Code, pupils inmates of the county children's home otherwise eligible to high school would be entitled to transportation, or in lieu thereof board and lodging. The duty of providing such transportation to high school would rest in the first instance upon the board of education of the district wherein the children's home is located, but the expense thereof should be charged to the school district of the residence of such pupils as part of the per capita cost of such schooling, in accordance with the provisions of sections 7677 and 7678, General Code of Ohio.*

COLUMBUS, OHIO, September 19, 1924.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

Gentlemen:—

We are in receipt of your recent communication in which you ask this department to furnish you our written opinion upon the following:

"How, if at all, may the children of high school age who are inmates of a county children's home be transported to the nearest high school when no high school is located in the district in which the children's home is situated?"

Concerning the above question, attention is first directed to the provisions of section 7676 G. C., which reads as follows:

"The inmates of a county, semi-public or district children's home shall have the advantage of the privileges of the public schools. So far as possible such children shall attend such school or schools in the district within which such home is located. Whenever this is impossible and a school is maintained at the home, such school shall be under the control and supervision of the city, township, village or special board of education, having jurisdiction over the school district within which such home is located. Such board of education shall employ with the approval of the superintendent of the home necessary teachers, and provide books and educational equipment and supplies, and conduct such school in the same manner as a public school within the district. The trustees of the home shall furnish necessary furniture, fuel and light."

This section clearly provides that the inmates of a county children's home shall have the advantage of the privileges of the public school and they are in that respect placed in the same position as other children. One of the privileges of the public schools that must be made available to every child is the privilege of high school education. This proposition was fully established by our Supreme Court in the recent case of *Masters vs. Beamer, et al.*, the third paragraph of the syllabus being as follows:

"If a board of education in a district fails to provide sufficient school privileges for all the youth of school age in the district, including the privilege of having high school branches offered at some school within four miles of the residence of each and every child of compulsory school age in the district, or of having such branches made accessible to such children by transportation to or board and lodging within a district which offers such high school branches, under Section 7610-1, General Code, a mandatory duty rests upon the county board of education of the county to which such district belongs to perform the acts necessary to provide such high school branches or to make the same accessible to all children of school age within the district."

Attention is also directed to the provisions of sections 7677 and 7678, General Code, as follows:

"Section 7677: On or about the first day of February and of August the superintendent of the school district in which the inmates of a county, semi-public or district children's home is located shall furnish the county auditor a detailed report showing the average per capita cost, of conducting a school at such home, or the average per capita cost, except for improvement and repairs, of all the elementary schools in such district in case such inmates attend such a school, for the preceding six months. Such report shall also give the names and former residence of all inmates in attendance at school, the duration of attendance, and such other information as the county auditor may require to carry out the provisions of the next section."

"Section 7678: A child who is an inmate of a county, semi-public or district children's home and who was previously a resident of the school district in which such home is located shall be entitled to an education at the expense of such school district, but any child who was not a resident of such school district shall be educated at the expense of the school district of its last residence. Any child who was not a resident of the school district within which such home is located prior to admission or commitment to such home, shall be educated at the expense of the district of its last residence. The county auditor upon receipt of the above report from the board of education shall, before making a semi-annual distribution of taxes collected, estimate the amounts chargeable to the various school districts for tuition of inmates of such home, and shall transfer to the proper school funds such amounts. In case there are inmates from another county the county auditor of the county in which the home is located shall certify the amount to the auditor of the county of such children's residence who shall forthwith issue his warrant on treasurer of the same county for such amount, and shall proceed to apportion the proper amounts to the various school districts of such county in the manner described above."

In view of the *Masters* case above referred to, and the statutory provisions

quoted, it is believed that children of high school age and who are otherwise eligible to high school, who are inmates of a county children's home, may be and under certain circumstances should be transported to high school. Where no high school is maintained in the district within four miles of the residence of the pupil (which in the instant case would be the county children's home), nor high school branches taught in the elementary school, as provided in section 7648, General Code, pupils inmates of a county children's home otherwise eligible to high school would be entitled to transportation, or in lieu thereof board and lodging. The duty of providing such transportation to high school would rest in the first instance upon the board of education of the district wherein the children's home is located, but the expense thereof should be charged to the school district of the residence of the pupil as part of the per capita cost of such schooling, in accordance with the provisions of sections 7677 and 7678, General Code of Ohio.

Respectfully,  
 C. C. CRABBE,  
*Attorney General.*

1772.

DISAPPROVAL, BONDS OF TRUMBULL COUNTY, \$42,000.00.

COLUMBUS, OHIO, September 18, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

Re: Bonds of Trumbull County, \$42,000.00.

Gentlemen:—

I have examined the transcript submitted to this department in connection with the foregoing issue of bonds, and find that these bonds are being issued by the commissioners of Trumbull County for road improvements under the provisions of section 6929 G. C.

The transcript contains in part proceedings as follows:

A petition was filed with the board of county commissioners, which represented more than fifty-one per cent of the land owners requesting the improvement, and is signed "The City of Youngstown BY" three parties designated the board of control.

The next proceeding is a resolution which recites that the petition has been filed for the improvement of a part of Gypsy Lane and that:

"WHEREAS, section 6912 G. C. requires notice of the improvement, and notice of the time and place of hearing of objections, and claims for damages, and compensation; and section 6922 G. C. requires that, after an estimate of the special assessments to be levied for the payment of the cost and expenses of said improvement, shall have been filed by the county surveyor, notice, that said estimates of assessments have been filed, shall be given, and hearing shall be had upon objections thereto.