

shall be deprived of an opportunity to go to school. Even with this guiding principle in mind and with all the facts and circumstances incident to particular cases known, questions of this kind are oftentimes very difficult to answer. In any event, the surrounding facts and circumstances of any particular case must be weighed, and it is necessary that this be done in the perspective of their local setting. It is difficult for this office to pass definitely on individual cases for the reason that it is difficult to bring to the attention of the Attorney General all the pertinent facts and circumstances so that he may consider them in their relation to each other and apply the law to those particular facts. The situation is considerably different than if the case were presented to a court where presumably all the facts and circumstances in the perspective of their local setting are before the court.

In the instant case, if the mother of these children has placed them in a private home for the purpose of having a home provided for them, not a mere boarding home, and in such a way that the persons with whom they are placed stand in loco parentis to the children, I am of the opinion that they may attend school in the district where this home is located, without the payment of tuition, even though the mother may pay for their board and care. If, however, the mother has placed these children in this home temporarily, and for the purpose of their attending school, and the persons in charge of the home are boarding and caring for the children with a view to profit, or if the home is conducted as a business enterprise, so that it may be classed as a boarding home, the mother would be required under the law to pay tuition, if they attend the schools of the district.

Specifically answering your inquiry it is my opinion:

1. A child who resides permanently in the home of an actual resident of a school district and to which child such actual resident stands in loco parentis, may attend the public schools of such district without paying tuition, even though the parents of such child reside outside the district.

2. Where the parents of the child place that child in a boarding house which is being conducted as a business enterprise for profit and which lies outside the school district in which the parents reside, the child is not entitled to attend the schools of the district in which the boarding house is located without the payment of tuition.

3. Where the parents of a child place the child in a home outside the district of the residence of the parents, temporarily, and for the express purpose of that child attending school in the district where it has been placed, the parents are liable to the school district in question, for tuition for the child's attendance in school.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2046.

APPROVAL, NOTES OF RUNYAN RURAL SCHOOL DISTRICT, HAMILTON COUNTY, OHIO—\$200.00.

COLUMBUS, OHIO, December 21, 1933.

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