

centralized schools and high schools, located at points where it would sometimes be not only inconvenient but in many instances practically impossible for pupils to attend, in the absence of some means being provided whereby the pupils may be brought together and thus secure the advantage of the increased facilities brought about by the centralization.

For this purpose laws authorizing the transportation of pupils have been enacted which provide for the payment from public funds of the cost of such transportation to the school building wherein the instruction is given. This transportation is a mere incident to the primary purpose for which the public schools are organized and inures to the benefit of such pupils only as choose to attend the schools provided for them under the law.

Pupils are not required to attend the public schools unless they so desire. While, with certain exceptions, attendance at school is compulsory for children of school age as provided by Sections 7762, et seq., General Code, specific provision is made to the effect that the requirements of this compulsory school law are satisfied if the child attend a parochial or private school (Section 7762-6, General Code). But there is no provision of law authorizing the providing of transportation for pupils other than those attending the schools which are a part of the public school system of the state.

This subject was considered in its relation to the transportation of pupils to both elementary and high schools and the specific statutes relating to the providing of transportation were construed in a former opinion of this department, viz., Opinion No. 726, rendered under date of July 11, 1927, to the prosecuting attorney of Ottawa County. The syllabus of this opinion, a copy of which is enclosed herewith, reads as follows:

“There is no authority for the payment of tuition or the furnishing of transportation from public funds for pupils attending private schools, and any payments made therefor by a board of education are illegal.”

I am therefore of the opinion that pupils attending private schools are not entitled to the use of transportation facilities provided for pupils attending the public schools and that boards of education are without authority to furnish transportation for pupils attending other than the public schools.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1095.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE NEFF LUMBER COMPANY, NEFFE, OHIO, FOR REMODELING THIRTEEN TYPE A AND FOUR TYPE B COTTAGES, OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO, AT AN EXPENDITURE OF \$62,576.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, October 1, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf

of the Board of Trustees of the Ohio Soldiers' and Sailors' Orphans' Home and The Neff Lumber Company, of Neffe, Ohio. This contract covers the construction and completion of general contract for remodeling thirteen Type A and four Type B cottages (inclusive of plumbing, heating and electrical work) Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, and calls for an expenditure of sixty-two thousand, five hundred and seventy-six dollars (\$62,576.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate from the Controlling Board, signed by the secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of the monies appropriated by the 87th General Assembly for the purpose covered by this contract. In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1096.

DEED—TO JACOB NIHART.

COLUMBUS, OHIO, October 1, 1927.

HON. VIC DONAHEY, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—In accordance with the request contained in your recent communication, I have prepared and herewith submit form of deed for the conveyance of certain described real estate in Williams County to Jacob Nihart, pursuant to the provisions of the act passed by the 87th General Assembly on April 11, 1927

Respectfully,
EDWARD C. TURNER,
Attorney General.

1097.

APPROVAL, BONDS OF CITY OF WAPAKONETA, AUGLAIZE COUNTY,
OHIO, \$33,650.00.

COLUMBUS, OHIO, October 1, 1927.

Industrial Commission of Ohio, Columbus, Ohio.