

2149.

SCHOOL TRANSPORTATION LAWS—APPLY TO ALL PUPILS UNDER TWENTY-ONE.

SYLLABUS:

Laws providing for the transportation of pupils attending the public schools inure to the benefit of all pupils attending such schools who are under twenty-one years of age.

COLUMBUS, OHIO, July 23, 1930.

HON. FREDERICK C. MYERS, *Prosecuting Attorney, Marietta, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date requesting my opinion upon the following:

“Section 7681, G. C., provides that the public schools shall be free and open to all youth between six and twenty-one years of age. Compulsory school attendance ages are fixed by Section 7762 at from six to eighteen years, except that the minimum may be fixed at seven by the board of education. Sections 7731, 7749 and 7749-1 provide for the transportation of pupils to and from schools in certain cases.

The question which I would have you answer is: Are pupils over eighteen and under twenty-one years of age, who are eligible to attend school under Section 7681, entitled to transportation if they live at such distance from the school to which they are assigned, that would otherwise entitle them to transportation.”

While under the law youths who are more than eighteen years of age are not subject to the compulsory school law and may not be compelled to attend the public schools, they have that privilege until they are twenty-one years of age.

By authority of Section 7681, General Code, referred to in your letter, schools of each district are free to all youths between six and twenty-one years of age, which means that all such youths are entitled to the advantages of the public school system, without charge. The provisions with respect to the transportation of pupils under certain circumstances are among the advantages afforded by the public schools, and I know of no reason why they are not applicable to all those youths who are entitled by virtue of Section 7681 to attend the public schools free of charge.

It is my opinion that the laws with respect to the transportation of pupils attending the public schools are applicable to all pupils who attend such schools, who are under twenty-one years of age.

Respectfully,
GILBERT BETTMAN,
Attorney General.