

**OPINION NO. 69-166****Syllabus:**

School districts which do not have a current tax levy of  $17\frac{1}{2}$  mills and thus do not qualify to receive state funds under the foundation program, Chapter 3317, Revised Code, must, nevertheless, provide a vocational education program pursuant to Section 3313.90, Revised Code.

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**To: Martin Essex, Supt. of Public Instruction, Columbus, Ohio**  
**By: Paul W. Brown, Attorney General, December 30, 1969**

I have before me your opinion request in which you ask whether a school district which does not have a current levy of at least  $17\frac{1}{2}$  mills as required to receive state funds under the foundation program, Chapter 3317, Revised Code, is compelled to establish and maintain a vocational education program pursuant to Section 3313.90, Revised Code, as amended by the 108th General Assembly.

In answering this question, I direct you to Opinion No. 67-063, Opinions of the Attorney General for 1967, which deals with the requirement of providing vocational education programs pursuant to Section 3313.90, Revised Code. In this

opinion, my predecessor said:

"This statute places a mandatory duty upon each school district in the state of Ohio to provide a vocational education program. The Legislature has made no exceptions."

It should be noted that at the time Section 3313.90, *supra*, was enacted, the 17½-mill-levy requirement had already been enacted and the legislature made no exception for school districts that did not meet this requirement.

As to the amendment to Section 3313.90, *supra*, which was passed by the 108th General Assembly, while it established criteria and methods by which a vocational education program can be provided, it does not except school districts who have a current tax levy of less than 17½ mills from providing a vocational education program.

Therefore, it is my opinion and you are hereby advised that school districts which do not have a current tax levy of 17½ mills and thus do not qualify to receive state funds under the foundation program, Chapter 3317, Revised Code, must, nevertheless, provide a vocational education program pursuant to Section 3313.90, Revised Code.