

OPINION NO. 70-169**Syllabus:**

Although a public school may not be specifically reimbursed for expenditures in contracting with a state agency licensed school pursuant to Section 3313.90, Revised Code, the attendance in such a contracted school would be utilized in arriving at the Section 3317.03, Revised Code, daily membership figures. Such attendance would then increase the amount of payments under the school foundation program and thus provide financial support to the contracting school district indirectly rather than by direct reimbursement.

To: Martin Essex, Supt. of Public Instruction, Dept. of Education, Columbus, Ohio
By: Paul W. Brown, Attorney General, December 23, 1970

I have before me your request for my opinion which reads as follows:

"Section 3313.90 R.C. provides that a school district may meet the requirements for maintaining a vocational education program by several means. One of these means is:

"By contract with a school licensed by any state agency established by the revised code which

school operates its courses offered for contract-
ing with public schools under standards as to staff-
ing and facilities comparable to those prescribed
by the State Board of Education for public schools
provided no instructor in such courses shall be re-
quired to be certificated by the State Department
of Education...'.
"

"Assuming that a public school contracts with
such a licensed school, your opinion is respect-
fully requested as to whether the public school
could be reimbursed under the School Foundation
Program for those classroom units as are approved
under the provisions of Section 3317.05 Par. (C)
as amended in 1969."

Section 3313.91, Revised Code, provides in part:

"Any public board of education may contract
with any public agency, board, or bureau, or with
any private individual or firm for the purchase of
any vocational education or vocational rehabilita-
tion service for any resident of the district under
the age of twenty-one years and may pay for such
services with public funds. * * *"

(Emphasis added.)

In view of this express authority to expend public funds in con-
tracts extending even to private individuals or firms, and in
view of the express authority to contract with a state agency
licensed school contained in Section 3313.90, Revised Code, the
authority to pay such school with public funds is inherent. Your
question is concerned with the source of these public funds. There
is no authority for direct reimbursement to a school district for
the cost of training obtained from such a contracted school. How-
ever, Chapter 3317, Revised Code, outlines the methods of allo-
cating public funds to school districts.

Section 3317.05, Revised Code, states in part:

"The total number of approved classroom units
for each school district shall be the sum of the
following:

* * * * *

"(B) The average daily membership in grades
one through twelve, including seventy-five per
cent of those enrolled in either vocational courses
or a joint vocational school district, as certified
under section 3317.03 of the Revised Code, divided
by thirty;

"(C) The number of vocational education class-
room units or fraction thereof approved annually by
the state board of education on the basis of standards,
rules, and regulations adopted by the board;

* * * * *

(Emphasis added.)

Section 3317.03, Revised Code, mentioned in the preceding

quotation, provides that the certification to the state board of education of daily membership figures shall include the average daily membership in vocational units.

School districts are required to provide vocational education; they may do so by contracting with licensed schools, and the number of students enrolled in vocational training is used as one of the factors to determine the amount of foundation payments. In view of the foregoing facts, it is my opinion, and you are hereby advised, that although a public school may not be specifically reimbursed for expenditures in contracting with a state agency licensed school pursuant to Section 3313.90, Revised Code, the attendance in such a contracted school would be utilized in arriving at the Section 3317.03, Revised Code, daily membership figures. Such attendance would then increase the amount of payments under the school foundation program and thus provide financial support to the contracting school district indirectly rather than by direct reimbursement.