

It is obvious that such a construction will perhaps render it necessary to substitute the term "board of health" in section 4435 for the term "council of the municipality." However, in view of the language used in the statutes heretofore set forth and the apparent intent of the legislature as heretofore disclosed, it is believed that this may properly be done.

It will be observed that section 1261-41 provides a means whereby the district board of health fund may be replenished, in case of a threatened epidemic or prevalence of a dangerous communicable disease, to defray the necessary expense in preventing the spreading of the contagion, when its fund is insufficient for the purpose, and apportion the amount among the townships and municipalities composing the district. It is believed that this provision tends to strengthen the conclusions made herein.

Therefore, in specific answer to your inquiry, you are advised that if the school books which you mention were destroyed by order of the board of health of a general health district, in its efforts to prevent the spread of a contagious disease, said board of health may restore said books or compensate the owners therefor in the manner outlined in sections 4434 and 4435.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1727.

WHERE NORMAL SCHOOL ASSUMES MANAGEMENT OF CITY SCHOOL UNDER SECTION 7654-7 G. C.—HOW EXPENSE DISTRIBUTED.

Under section 7654-7 G. C. the board of trustees of a state normal school is required to make an arrangement with the board of education for any of whose schools it assumes to manage. Such arrangement or agreement should provide for a reasonable and proper distribution of the expense of maintaining such schools between such boards.

COLUMBUS, OHIO, December 22, 1920.

HON. J. E. MCGILVREY, *President, Kent State Normal School, Kent, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your request for the directions of this department as to how to proceed with the matter in your letter, which is as follows:

"State Examiner John A. Bliss, in a recent report to our board of trustees called their attention to the fact that the board of education of the city of Kent has been receiving the per capita from the state for the pupils taught in the training school of the Kent State Normal School. The Kent city board of education is relieved of all expense for the education of this group of pupils. The board of trustees of the Kent State Normal School have assumed that expense and all moneys paid heretofore from the state common school fund for the pupils in the special training school district of the Kent State Normal School, under section 7600 of the General Code, should be diverted to said board of trustees to meet that expense.

I am referring the question to the Attorney General for directions as to how to proceed."

The report in part of the state examiner to which you refer is in these words:

"The following is the enrollment of children for the winter term 1919-1920:

Children—First to 8th grades-----	246
Ninth to 12th grades, high school-----	100
 Total -----	 346

The 346 children, for the training school, are recruited from the city of Kent, and educated at the expense of the state, the city paying no part of the cost whatever, and in addition thereto the city receives the per capita share of the state school fund for said children."

It is evident that these schools afford the normal school the necessary classes with which it may give the students of the normal school opportunity to have experience under actual conditions to use the theory of teaching which they learn as students and have actual practice in the art of teaching.

According to your statement and that of the state examiner this opportunity thus afforded for training student teachers is the only advantage accruing to the state through the normal school for the expenditure of the funds appropriated by the state for the support of said normal school, used to maintain these practice schools. And it is certainly an advantage of some importance to the normal school to have these practice schools for the instruction of its students. It may also be observed that it may not be a disadvantage to the pupils who are thus taught, but, on the other hand, it may be of considerable advantage to them to have such teaching as is afforded them in this manner.

It is provided by the law that normal schools shall have these pupils for the better training of its student teachers under actual teaching conditions.

Section 7654-7 G. C., 107 O. L. 627, reads:

"Each of the state normal schools at Athens, Oxford, Bowling Green and Kent shall be authorized to arrange with the boards of education of rural districts to assume the management of one-teacher rural schools, or of rural schools having two or more teachers, or both types of rural schools and to maintain such schools as model rural schools. In no case shall there be more than one of each type of such rural schools established in a rural school district nor more than six model rural schools established by any state normal school. Each state normal school which complies with the provisions of this section subject to the approval of the superintendent of public instruction shall receive five hundred dollars annually from the state for each class room of such model schools when vouchers therefor have been approved by the superintendent of public instruction and each of said normal schools shall also be authorized to arrange with the boards of education of village and city school districts to assume the management of all the schools of the district or districts or such part of them as may be necessary to provide adequate facilities for practice teaching by the students of said normal school, and providing the number of rooms for which such appropriation is made does not exceed six for each state normal school."

Under the provisions of this section the board of trustees of the Kent normal school are authorized to arrange with the board of education of the Kent city school district to assume the management of sufficient schools of the city district to provide adequate teaching facilities for student teachers. And the board of

trustees may receive from the state annually five hundred dollars each for not more than six such school rooms or grades, payment being made upon the approval of the superintendent of public instruction.

From your letter it seems that no arrangement has been made with the Kent board of education, at least no arrangement for payment of part of the funds received by said board for the pupils who are taught in the schools supported by the normal school. Your letter does not disclose any reason why such an arrangement does not exist or may not exist.

Section 7600 G. C., to which you refer, provides for the apportionment of the school funds by the auditors of the several counties of the state, and it provides, among other things, that said auditor shall apportion or distribute the funds, after his settlement with the treasurer each time, to school districts or parts of districts upon the conditions laid down in the law for such distribution of the funds. This section has been recently amended, but prior to its amendment it provided that school funds should be distributed to school districts as it now provides.

No law is to be found providing for the distribution of the school funds spoken of in sections 7586 et seq. to the board of trustees of a state normal school, and we are unable to find any law by which the funds belonging to the board of education and distributed as mentioned above may be paid to the board of trustees of the normal school, except by the arrangement above mentioned.

Since the Kent board of education has been receiving these funds it has evidently been making the necessary reports as to the number of teachers, average daily attendance, aggregate days of attendance, enumeration, etc., required by the law as a basis for the apportionment and distribution of the school funds raised by taxation or received from the state. The state common school fund is apportioned upon the enumeration of the youth of the school district, according to the law found in sections 7582 et seq.

Clearly the law is that the money coming to the Kent city school district from county and state can be paid, under the law, to no one other than the board of said district since the pupils taught in the normal school belong to the Kent city school district. And clearly, under the law, the Kent state normal school is entitled to no portion of the same except such sums as may be agreed to be paid by the city board of education to the normal school upon such an arrangement as is authorized in the law as found in section 7654-7 supra. Under this section it is clearly expected that the board of trustees of the normal school make an arrangement with the board of education for some payment for the schools of the district which the board of trustees maintains as practice schools for student teachers.

It is, under the circumstances, not the province of this department to do other than to state the law as it exists in given cases and to advise what may be done. So, in this case it can only be pointed out that the provision of law is that the board of trustees shall make an arrangement, but the arrangement that they ought to make is a matter wholly left by the law to the discretion of the board of trustees, being an administrative matter for them.

Respectfully,

JOHN G. PRICE,

Attorney-General.