

children between six and eighteen years of age, must attend school for a specified period each year, unless excused for cause as provided by law. This is known as the "compulsory school age."

The laws relating to the transportation of pupils make no distinction between those pupils who are of school age and those who are of compulsory school age. In any case where the law requires that pupils be transported to school, the advantages of such transportation accrue to the benefit of all pupils attending school who are between six and twenty-one years of age.

4. A local board of education may furnish textbooks free of charge for all pupils attending the schools but are not required to do so unless circumstances are such as to require the furnishing of the said textbooks in accordance with the provisions of Section 7777, General Code.

The duty of a local board of education to furnish textbooks and necessary personal necessities for children attending school is never mandatory except in cases where an attendance officer is satisfied that a child compelled to attend school is otherwise unable to do so because absolutely required to work at home or elsewhere in order to support himself or help to support or care for others legally entitled to his services who are unable to support or care for themselves. This duty arises in those instances only, that come strictly within the terms of Section 7777 of the General Code. It is never mandatory, except in a case where a child is "compelled to attend school," in other words when the child is within compulsory school age. See Opinions of the Attorney General for 1929, page 288.

5. This question has already been answered in question number three.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4067.

CANDIDATE—ELECTION LAW—NAME MAY APPEAR ON BALLOT FOR
OFFICE OF MEMBER OF VILLAGE BOARD OF EDUCATION AND
COUNTY BOARD OF EDUCATION.

SYLLABUS:

Since the language of Section 4728, General Code, specifically provides that the offices of member of the village board of education and member of the county board of education may be held by the same person, the name of a candidate may appear upon the ballot submitted to the electors at an election for both offices.

COLUMBUS, OHIO, February 18, 1932.

HON. WINSTON W. HILL, *Prosecuting Attorney, Delaware, Ohio.*

DEAR SIR:—Your request for opinion is:

"Since the office of a member of a village board of education and the office of a member of a county board of education are compatible, can a person's name appear on the ballot as a candidate for both offices?"

Prior to the enactment of the Primary Election Law, the Court of Common Pleas of Fayette County held that the name of a person nominated by one politi-

cal party might also be placed on the ballot as the party candidate of another party. See *Gregg vs. Rogers*, 1 O. N. P., 117. While this decision is not in point, as to the question raised by your inquiry, it apparently holds that the law raises no objection to the fact that the name of a person appears on the ballot more than once. Section 4728, General Code, reads as follows:

“Each county school district shall be under the supervision and control of a county board of education composed of five members, who shall be electors residing in the territory composing the county school district and who may or may not be members of local boards of education. The members of such county board in office when this act goes into effect shall continue in office until their successors are elected and qualified.”

From this section, it is apparent that the legislature intended that the same person might hold the office of member of the county board of education and member of the village board of education. Each of these offices is an elective office, and I do not believe the language of the above section will bear the interpretation that both offices may be held by one person only when such person shall have been appointed to fill an unexpired term in one or both of such offices.

An examination of the Election Code reveals no inhibition against the same person's name appearing for these two offices on the same ballot. Apparently the only restriction is that contained in Section 4785-90, General Code, which restriction is a practical one rather than a legal one, that is, if a candidate procures a sufficient number of signatures to his petition for an office, his name may be placed on the ballot.

I am therefore of the opinion that since the language of Section 4728, General Code, specifically provides that the offices of member of the village board of education and member of the county board of education may be held by the same person, the name of a candidate may appear upon the ballot submitted to the electors at an election for both offices.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4068.

APPROVAL, WARRANTY DEED RELATING TO PURCHASE OF LAND
IN THE VILLAGE OF NAPOLEON, HENRY COUNTY, OHIO.

COLUMBUS, OHIO, February 18, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a warranty deed, encumbrance record No. 1370, and other files relating to the proposed purchase, for the nominal consideration of one dollar (\$1.00), of a certain parcel of land situated in the Village of Napoleon, Henry County, Ohio, the same being a part of the northeast fractional quarter of section 13 in township 5 north of range 6 east, and being more particularly described as follows: