

by the Board of Control and the necessary money has been released for this purpose.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3788.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND HARSH, DAVIES AND RUBRECHT, INC., COLUMBUS, OHIO, FOR ARCHITECTURAL SERVICES FOR NEW NURSERY BUILDING, OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO, AT AN EXPENDITURE OF \$5,500.00.

COLUMBUS, OHIO, November 25, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, and Harsh, Davies and Rubrecht, Incorporated, Columbus, Ohio. This contract covers architectural services in connection with new nursery building, Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, and calls for an expenditure estimated at five thousand five hundred dollars (\$5,500.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate from the Emergency Board to the effect that said board has properly consented to and approved the expenditure of moneys to cover this contract in accordance with Section 8 of House Bill No. 624 of the 89th General Assembly.

You have further submitted a certificate of authorization from the Board of Trustees of the Ohio Soldiers' and Sailors' Orphans' Home to enter into this contract.

Finding said contract in proper legal form, I have this day noted my approval thereon, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3789:

HIGH SCHOOL TRANSPORTATION — DISCRETIONARY WITH COUNTY BOARD OF EDUCATION WHETHER TO FURNISH SUCH.

SYLLABUS:

*When a school in a rural or village school district is suspended by authority of Section 7730, General Code, and the pupils who reside within the territory of the suspended school have been assigned to another school or other schools, transportation for any of such pupils who attend high school need not be fur-*

*nished unless the said transportation is deemed and declared by the county board of education to be advisable and practicable, regardless of the distance they may live from the high school.*

COLUMBUS, OHIO, November 28, 1931.

HON. FRED W. EVERETT, JR., *Prosecuting Attorney, Jackson, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion with reference to the following matter:

“The county board of education has set the limit for transportation of high school children at four miles. An elementary school district was abandoned in 1930 and some of the children from that district are attending high school at Oak Hill, which is more than two miles from the abandoned district but less than four miles from said district.

Would the fact that these children reside in a territory formerly served by a suspended elementary school entitle them to transportation to high school under Section 7730, of the General Code?”

Section 7730, General Code, reads in part, as follows:

“The board of education of any rural or village school district may suspend by resolution temporarily or permanently any school in such district because of disadvantageous location or any other cause, \* \* \* Whenever any school is suspended the board of education of the district shall at once provide for the assignment of the pupils residing within the territory of the suspended school to such other school or schools as may be named by the said board of education. Upon such suspension the board of education in authority over such village or rural school shall provide for the transportation of all pupils so assigned who reside in the territory of the suspended school and who live more than two miles by the nearest traveled highway from the school to which they have been assigned, to a public school in the rural or village district or to a public school in another district, \* \*”

Since the enactment of Section 7730, General Code, in its present form, there was enacted Section 7749-1, General Code, which reads as follows:

“The board of education of any district, except as provided in section 7749, may provide transportation to a high school within or without the school district; but in no case shall such board of education be required to provide high school transportation except as follows: If the transportation of a child to a high school by a district of a county school district is deemed and declared by the county board of education advisable and practicable, the board of education of the district in which the child resides shall furnish such transportation.”

The transportation of high school pupils is now controlled by the terms of said Section 7749-1, *supra*, regardless of all other provisions of law. This

section, it will be observed, permits a board of education to provide transportation for high school pupils but does not require such transportation to be furnished unless it is deemed and declared by the county board of education to be advisable and practicable. High school transportation, therefore, need not be furnished in any case except where it is declared by the county board of education to be advisable and practicable.

Inasmuch as the county board of education in question has not deemed it to be advisable and practicable to transport high school children who live less than four miles from the school to which they are assigned, in the district referred to, I am of the opinion that such transportation need not be furnished, regardless of the provisions of Section 7730, General Code.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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3790.

SIGNATURE—BOARD OF EDUCATION—MAY USE MECHANICAL  
DEVICES TO SIGN CHECKS AND WARRANTS.

*SYLLABUS:*

*A board of education may legally use mechanical devices for signing payroll checks where the officers whose names are affixed thereto, authorize and adopt such signatures as their own.*

COLUMBUS, OHIO, November 28, 1931.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge your recent request for my opinion relative to matters contained in two letters—one from one of your Assistant Examiners, and the other from the Clerk-Treasurer of a board of education. Your request reads as follows:

“We are enclosing herewith a letter from one of our Assistant Examiners, together with a letter addressed to him by the Clerk-Treasurer of the Board of Education of a city school district, with reference to the legality of the use of mechanical devices for signatures on payroll checks, which are issued in accordance with the provisions of Section 7612-1 of the General Code, also with reference to the legality of the use of rubber stamp for the signature of the President of the Board and the Clerk-Treasurer upon warrants.

You are respectfully requested to furnish this Department your written opinion upon the questions submitted in these letters.”

The letter from your Assistant Examiner reads:

“The Board has purchased a mechanical signature machine for the signing of payroll checks similar to that used by the State. I questioned this at the time of the purchase but owing to the fact that our checks in Columbus were similarly written, nothing more has