

that will be furnished and the awarding power may take into consideration the quality of the elevator offered in determining which is the "lowest and best bid."

It is clearly recognized in such cases that the "lowest and best bidder" is not necessarily the lowest bidder. See 15 Ohio Appeals, page 76.

Coming to the specific question you ask, as heretofore indicated, it is a question of fact as to whether or not a given undertaking is non-competitive.

Respectfully,

C. C. CRABBE,  
*Attorney-General.*

944.

APPROVAL, BONDS OF DANBURY TOWNSHIP RURAL SCHOOL DISTRICT,  
OTTAWA COUNTY, \$10,385.43, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, November 30, 1923.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

945.

COUNTY NORMAL SCHOOLS—PAYMENT OF EXPENSES—SECTION 7645  
G. C. CONSTRUED.

*SYLLABUS:*

*Section 7654-1 General Code does not provide for a joint county normal school between a county board of education and a village board of education, and a village board of education cannot pay any part of the expense of a county normal school other than that incident to the furnishing of rooms, heat, light and janitor service.*

COLUMBUS, OHIO, December 1, 1923.

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

GENTLEMEN:—Yours of recent date received, in which you submit the following inquiry and request for a written opinion from this department:

"May a village school district pay any part of the expense of a county normal school organized under the provisions of section 7654-1 of the General Code?

By a village school district we mean an ordinary village school district, and not an exempted village school district."

Section 7654-1 General Code, reads as follows:

"A county normal school may be established by a county board of education, with the approval of the superintendent of public instruction in any school district of the county which maintains a first grade high school, provided the board of education of the city, exempted village, village or rural school district in which the county normal school is proposed to be established agrees by resolution to furnish rooms, seats, heat, light, janitor service and, as far as possible, opportunity for practice teaching and observation necessary for the school.

Two or more county boards of education may establish a joint county normal school under like conditions, in which case the expense to be borne by the county boards of education shall be apportioned as agreed between them.

County and city boards of education, or county and exempted village boards of education may establish joint county normal schools under like conditions, in which case the expense of such a school ordinarily borne by the county board of education shall be apportioned as agreed between them.

The county board of education shall furnish such supplies, such equipment and such furniture as are not otherwise furnished. The expense thereof shall be paid by the county board of education from its contingent fund."

This section provides a county normal school may be established by a county board of education in any school district of a county which maintains a first grade high school, provided a board of education of a village \* \* \* district in which the county normal school is proposed to be established agrees by resolution to furnish rooms, seats, heat, light, janitor service and opportunities for practice teaching and observation. This provision would seem to imply authority for the board of education of the village school district to furnish rooms, seats, heat, light and janitor services for such county normal school, and the authority thus implied is further granted by section 7622 General Code.

The second paragraph of section 7654-1, supra, provides for the establishment of joint county normal schools by two or more county boards of education, the expense of such joint county normal school to be apportioned as agreed upon.

The third paragraph of section 7654-1, supra, provides for the establishment of a county normal school by a county and city board of education or county and exempted village boards, but makes no provision whereby a *village board of education* may join with a county board of education in the establishing of a county normal school.

Therefore the board of education of a village school district could not, under the provisions of section 7654-1, pay any part of the expense of a county normal school, established under the provisions of such section, except the expense incident to the use of the building, furniture, heat, light and janitor services which may be furnished by the board of education of the village school district.

Respectfully,  
C. C. CRABBE,  
*Attorney-General.*