

The child mentioned in your first question was more than 15 years old during a portion, at least, of the preceding school year and must, therefore, be not regarded as having been a child under 15 years of age and enrolled in school, as provided by the statute.

The child spoken of in your second inquiry was enrolled in school during all the previous year and was under 15 years of age during that entire school year. There exists no reason for saying that he should not be counted as one of the necessary number of children to satisfy the requirements of the petition filed in pursuance of the statute. The mere fact that he had graduated from the grades of the school in question and did not intend to attend school at that place during the ensuing school year, makes no difference, as the statute makes no provision therefor. If a child who had attended the school during the previous year should become 15 years of age after the end of the school session, it clearly would be regarded as having been "enrolled in the school" within the scope of the term as used in this statute. I am, therefore, of the opinion in specific answer to your questions:

1. Where a petition has been filed for the re-opening of a suspended school, in pursuance of Section 7730, General Code, a pupil who had been in attendance in the said school during the last school year prior to the suspension of said school, and who had become 15 years of age during the said school year, should not be regarded as having been "enrolled in the school," as the term is used in the said statute, for the purposes of said petition.

2. Where a petition has been filed for the re-opening of a suspended school in pursuance of Section 7730, General Code, a pupil who had been in attendance in the said school during the last school year prior to the suspension of the said school and who had, during said year graduated from the grades given in said school, should be regarded as having been "enrolled in the school" as the term is used in said statute, for the purposes of the said petition.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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APPROVAL, BONDS OF CLEVELAND HEIGHTS CITY SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO—\$19,000.00.

COLUMBUS, OHIO, August 24, 1934.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*