

1408.

APPROVAL, NOTES OF SOUTH BLOOMFIELD TWP. RURAL SCHOOL DISTRICT, MORROW COUNTY, OHIO—\$5,389.00.

COLUMBUS, OHIO, August 17, 1933.

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

1409.

SCHOOLS—"PUBLIC SCHOOLS" AND "COMMON SCHOOLS" DEFINED—  
—"PRIVATE SCHOOLS" DISTINGUISHED—PAROCHIAL SCHOOLS  
ARE PRIVATE SCHOOLS—PUBLIC SCHOOL FUNDS MAY NOT BE  
USED FOR PRIVATE SCHOOLS.

*SYLLABUS:*

1. The term "public schools" as popularly and generally understood and used, is synonymous with the term "common schools" as used in the Constitution of Ohio. Its precise meaning when found in statutory law, depends on the intent of the legislature in enacting the law.

2. "Common schools" or "public schools", as the terms are used in the Constitution of Ohio and the present statutory law of the state, are those schools or that system of schools established by laws enacted by the legislature in pursuance of the constitutional mandate to establish a thorough and efficient system of common schools throughout the state administered by public agencies created by law and maintained from public funds raised by taxation or from school funds otherwise obtained.

3. A "private school" as distinguished from a "public school" is a school administered otherwise than by duly constituted public school authorities who are a part of the public school system of the state and supported from funds other than public school funds. Parochial schools are private schools. *Quigley vs. State*, 5 O. C. C. 638, affirmed by the Supreme Court without report, 27 O. L. B., 332.

4. No authority exists in law for the diversion or use of the school funds of the state for the promotion or maintenance of private schools or for any purpose other than the establishment and maintenance of common or public schools.

5. By reason of the provisions of Section 2 of Article VI of the Constitution of Ohio, no part of the school funds of the state may be used by or controlled by any religious or other sect or sects.

COLUMBUS, OHIO, August 17, 1933.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"Will you kindly define for us the term 'public school?'"

We are submitting this question in view of the fact that various organizations are asking for funds with which to conduct their schools, these organizations being in control of certain religious groups.

We are asking this in order that we may give a common ruling