

2746.

APPROVAL, BONDS OF SOUTH EUCLID-LYNDHURST VILLAGE SCHOOL  
DISTRICT, CUYAHOGA COUNTY—\$10,000.00.

COLUMBUS, OHIO, October 17, 1928.

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

2747.

BOARD OF EDUCATION—CANNOT COLLECT FROM ANOTHER BOARD  
FOR TUITION OF ELEMENTARY SCHOOL PUPIL, RESIDENT OF  
ANOTHER AND MORE DISTANT DISTRICT.

*SYLLABUS:*

*Where an elementary school pupil lives more than one and one-half miles from the school to which he has been assigned in his own district, but attends school in another district which is farther from the residence of such pupil than any school of the same grade in his own district, the board of education of such district where such pupil attends school cannot collect tuition from the board of education in the district where the pupils reside.*

COLUMBUS, OHIO, October 17, 1928.

HON. SCOTT GRAVES, *Prosecuting Attorney, Port Clinton, Ohio.*

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

“Kindly render your opinion upon the construction of General Code, Section 7735, in the following particular:

Is it necessary that the school of attendance in another district be nearer the place of residence than the assigned school in the district of residence, in order for the school board of the district of residence to be liable to the school board of the district of attendance for the tuition of pupils in grades below the high school?

The facts are as follows: The children of one Mr. .... reside in Allen Township and have been assigned to the nearest Allen Township School, which is more than one and one-half miles, but less than two miles distant. They have been attending the Ross Township school because the Ross Township school bus passes near their residence. The Ross Township school is more than two miles from the residence of Mr. ...., but is the nearest school in *another* school district.

The Ross Township school board is attempting to collect tuition from the Allen Township school board for the children of Mr. .... Ross Township is in Lucas County, and Allen Township in Ottawa County.”