

"No school house shall be contracted for or erected until the site, location, plans and specifications therefor shall have been submitted to and approved in writing by the division superintendent of schools, whose action in each case shall be reported by him to the State Board of Education; *****" (Italics supplied).

In the case before us for consideration on the facts stated in your letter the site of the high school was selected seventeen or eighteen years ago. Therefore, when the county school board decided to rebuild on the old site they did not relocate a new site, or select a new location, and the only power conferred upon the division superintendent of schools, under section 673 of the Code, is to approve or disapprove the plans and specifications therefor.

It is my opinion that in this case he is without jurisdiction to ~~xxx~~ disapprove the old site or location, as that was selected and approved seventeen or eighteen years ago, and, being without authority to disapprove the action of the county school board in this particular, his approval likewise is not necessary as the school board has not selected a new site or location. This being true, when the division superintendent of schools could not satisfactorily adjust the complaint of the more than five heads of families referred to in your letter, he followed the proper procedure in granting an appeal to the school trustee electoral board, and that board now has jurisdiction of that appeal under section 666 of the Code of Virginia, 1919, as amended. It is my opinion that the board was in error when it decided that it was without jurisdiction.

I would, therefore, suggest that the school trustee electoral board now proceed to consider the appeal under section 666 of the Code, as amended.

Trusting that this gives you the desired information, I am,

Very truly yours,

(Signed) Leon M. Bazile

Assistant Attorney General.

BKR

Copy to -

Hon. Wilbur C. Hall
Leesburg, Va.

Hon. O. L. Emerick,
Purcellville, Virginia.

Hon. Harris Hart,
Richmond, Virginia.