

School Districts—Military Training.

The board of school trustees of a school district of the first class has authority to install a course in compulsory military drill in the district high school.

October 13th, 1917.

Mr. George A. Judson,
County Attorney,
Great Falls, Montana.

Dear Sir:

I have your letter of recent date inquiring whether or not the school board of Great Falls has authority to install compulsory military training as a part of the gymnasium course of the high school of Great Falls. I understand that this is a school district of the first class.

By Section 506 of the school law, Chapter 76 of the 1917 Session Laws, every school district is under the control of a board of school trustees. By Section 507 (2) and 603, the board of trustees may establish a high school employing a principal teacher and subordinate teachers, and grade the school into departments and classes. By Section 508 (17) every school board has power "to determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the County Superintendent, in districts of the third class." This section just quoted was formerly Section 875 (15) of the Revised Codes of 1907, and Section 1797 (16) of the Political Code of 1895, the only change being that in 1913 the necessity for the approval of the County Superintendent was restricted to districts of the third class. In the case of *Campana vs. Calderhead*, 17 Montana at 551, the court said:

"Chapter 6, p. 224, Political Code, establishes a uniform system of common schools, and Section 1860, Id., defines a common school. Section 1790, Id., provides that, 'except when authorized by law, every school district is under the control of a board of school trustees.' Section 1797, Id., prescribes the powers of school boards. These powers are very full and general. Under and by this statute it can scarcely be denied that to the school boards is delegated the authority to look after the interests of the public schools in their district, and to see that the uniform system of common schools established by the legislature is so supported and conducted as that the people may receive the benefits intended.

In view of the general power given to a board of school trustees to have the control of the school district and to determine what branches shall be taught in the schools, I am of the opinion that your school board has the authority to install a course in military drill in the high school of your city.

By Section 508 (1) and (5) the school board has power to prescribe and enforce rules not inconsistent with law, or those prescribed by the Superintendent of Public Instruction, and to enforce the rules and

regulations of the Superintendent of Public Instruction for the government of schools, pupils and teachers and to enforce the course of study, and by virtue of this power thus granted to a school board, I am of the opinion, that the board has a right to make such course in military drill compulsory.

Respectfully,

S. C. FORD,

Attorney General