

County High School Boards—Right to Charge Fees for Attendance in Certain Courses to Cover Cost of Materials.

County high school boards are not authorized to charge fees for attendance in certain courses to cover the cost of materials.

Miss May Trumper,
Superintendent of Public Instruction,
Helena, Montana.

My dear Miss Trumper:

You have submitted to this office the question of whether the County High School Boards are authorized to charge fees for certain High School courses to cover the cost of materials used.

Subdivision "f" of Section 2104 of Chapter 76 of the Laws of 1913 provides:

"To admit pupils without tuition under such rules and regulations as they may deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such schools; Provided, that no person shall be admitted to such high school who shall not have satisfactorily completed the work of the elementary grades. All eligible pupils in the county are entitled to attend the county high school and it shall be the duty of the board to provide accommodations for such pupils."

Subdivision (e) of this section provides:

"To adopt on the recommendation of the principal such courses of study as will properly fit the student attending said high school for admission to the collegiate class of any of the state educational institutions," etc.

Subdivision (g) provides:

"To admit pupils from other counties, when there is room, upon the payment of such tuition as the board of trustees may prescribe;" etc.

Section 2112 of the School Law, as amended by Chapter 119 of the Laws of 1915, after providing for apportioning school funds for the support of accredited High Schools, reads as follows:

"3. Attendance at any high school to whose support such money is apportioned in accordance with the provisions of this Act shall be free to all eligible pupils residing within the district in the county in which such accredited high school is situated."

Section 604, page 429, of the Laws of 1919, reads in part as follows:

"Every Public School not otherwise provided for by law shall be open to the admission of all children between the ages of six and twenty-one years residing in the school district, and the Board of Trustees shall have the power to admit children not residing in the district as hereinbefore provided."

It is my opinion that in the absence of any specific authority to make such a charge, and in view of the requirements of free admission to the schools above referred to, any charge or fee for attendance in certain courses would be illegal.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.