

Schools—Census—Citizens—Indians.

Children of Indian citizens should be included in the census of the school district in which they reside.

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

December 17, 1924.

My dear Miss Trumper:

You have submitted to this office the question of whether Indian children may now be included in the school census, since Indians have become citizens of the state.

Section 7 of article XI of the constitution provides:

“The public free schools of the state shall be open to all children and youth between the ages of six and twenty-one years.”

Section 1204, R. C. M. 1921, provides:

“All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to the number of school census children between six and twenty-one years of age as shown by the returns of the district clerk for the preceding school census, provided that Indian children whose parents are citizens of the United States or have taken land under the allotment and severalty act of congress or are specified in any act of congress as being entitled to attend common schools either by declaration in such act of congress or as a condition precedent under congressional or federal land allotment or lieu land selection, shall be entitled to attend public schools or to be enumerated as school children, and apportionment shall be made accordingly.”

I believe that your question is answered by the provisions of the foregoing section. Indian children are entitled to attend the public schools of the district to which they belong and, by virtue of the provisions of the act of congress conferring citizenship upon them, it is my opinion they should be included in the school census of the school district in which they reside.

Very truly yours,

L. A. FOOT,
Attorney General.