

Opinion No. 73.**Schools & School Districts—
Students—Transfers.**

HELD: 1. It is mandatory that the county superintendent approve the transfer of a student to a high school of another county, if application therefor be properly made prior to September 1st.

2. It is mandatory that the board of trustees of the school to where transfer is requested accept such transfer.

3. The board of budget supervisors of the school of residence must approve and pay budget item for cost of transfer.

June 6, 1939.

Miss Ruth Reardon
State Superintendent of Public
Instruction
State Capitol Building
Helena, Montana

My dear Miss Reardon:

You have submitted for my opinion the questions as to whether or not the county superintendent must approve the application of a high school student for transfer from his school to a high school in another county, where the transfer has been accepted by the school board of the latter county; and, in the event the application for transfer has been made within the proper time, is it mandatory that the costs be budgeted by the district of the student's residence.

Section 1262.81 authorized the county superintendent to exercise discretion, when it was necessary, in granting the application for a transfer of a high school student from a district in one county to a district in another county, in the State of Montana. Paragraph 1 of Section 4, Chapter 217, Session Laws of 1939, amends Section 1262.81, making it mandatory upon the county superintendent to approve the application of transfer, either within or without the state, if properly made on or before September 1. If a transfer is made under authority of the provisions of Section 1262.81, as amended by Section 4, Chapter 217 supra, it is mandatory upon the board of trustees of the high school of the student's choice to admit such student. (Compare subdivision 9 with subdivision 10 of Section 1262.84.)

Under authority of Section 5, Chapter 217, supra, amending Sec. 1263.8, R. C. M., 1935, it is mandatory that the board of budget supervisors of the county where the student resides, approve the budget for such cost item and pay the same to the district where the student attends.