

**District School, Where Held. School House, Removal Of.
Public Schools, Authority of Electors of District.**

The electors of a school district have authority to determine where schools shall be held, and under the provisions of Section 1757, Political Code, as amended, may, in the cases therein stated, cause the school to be held in places other than school houses.

Helena, Montana, June 12, 1908.

Hon. W. E. Harmon,
Superintendent of Public Instruction,
Helena, Montana.

Dear Sir:—

I am in receipt of letter addressed to you by the superintendent of schools of Beaverhead county, in which a certain statement of facts is made and your opinion asked with respect thereto. From the statement of facts it appears that in a certain district four families reside; one twelve miles from the school house with four children, one five and one-half miles with three children, one five and one-half miles

away with two children, and one one-fourth of a mile away with three children; that the family living the closest to the school house last year and this year are sending their children elsewhere to school; that by the reason of all other school children residing so far from the school house the district decided it would be useless to hold school therein, and last season held school at the home of the family residing twelve miles distant; that this spring at a regular district meeting it was decided by those qualified to vote thereon that schools should be held this season at the house of the families residing five and a half miles distant from the school house, and that the family residing twelve miles distant now objects to any school at all unless it is held in the school house.

From this statement of facts it is very apparent that maintaining school in the school house would be of no advantage whatever to the family residing twelve miles distant, hence so far as that family is concerned such school would be a useless expense. It is within the authority of the electors of the district to move the school house to some other point, and when they met in open meeting and decided to hold the school elsewhere than in the school house their action is valid and binding until it is set aside by some competent tribunal as being unreasonable.

Section 1757, Political Code, as amended by Chapter LXXXI, Laws 1903, seems to have been enacted to meet a case of this kind, for there it is provided that if the school is maintained by a regular teacher in isolated sections of the district "for the benefit of the children of the families of such section, such district may draw the apportionment of school money for the children so attending said school." This section impliedly authorizes the district to do the very thing it has done in this case. It also provides what children are entitled to draw the apportionment of school money.

Very truly yours,

ALBERT J. GALEN,
Attorney General.