

**Feeble Minded Children, Compulsory Attendance at School.
Deaf and Blind School, Feeble Minded Children in.**

There is no law compelling the parents or guardians of feeble minded children to send such children to the Deaf and Blind School.

Helena, Montana, Dec. 4, 1908.

Hon. D. M. Kelly, County Attorney, Boulder, Montana.

Dear Sir:

Your letter of the 25th ult., received, in which you request an opinion as to whether there is any law compelling the parents or guardians to send feeble minded children under their control to the Montana School for Deaf and Blind and Feeble Minded.

We know of no law compelling the parents or guardians to send such children to such school. Section 1172 Revised Codes, is an amendment of Section 2345 of the Pol. Code. This section makes it the duty of the school district clerks of each county to send in annually to the Superintendent of Schools the names of parents or guardians of all deaf, blind or feeble minded persons between the age of five and twenty-one years. And the section further provides a penalty for the failure of the clerk to furnish such list of names. At the same session at which the above law was amended the legislature enacted a bill which is now Section 1173 of the Revised Codes. This law makes it compulsory upon the parent or guardian or other person having control of children who are deaf or too blind to be educated in the public schools to send such children to the school for deaf and blind unless such children are taught at a private school, at home or in a similar institution in another State. It will be observed, however, that in the enactment of this law, feeble minded children were omitted from the provisions thereof and the parents or guardians of feeble minded children were also omitted from the penalties provided in Section 1174.

Therefore, the law as it now stands requires school district clerks and county superintendents of schools to report all deaf, blind and feeble minded children, and imposes a penalty upon the school district clerks who fail to so report. But when it comes to the compulsory education of children, the law seems to apply only to deaf and blind, and we know of no other provision whereby the parents or guardians of feeble minded children can be compelled to send them to said school or any other similar institution.

Very respectfully yours,

ALBERT J. GALEN,

Attorney General.