

Public Schools, Text-books Of. Text-books, of Public School. Schools, Text-books to Be Used In.

When the State Text-Book Commission has adopted both basal and supplementary text-books for use in the public schools, such books shall be used to the exclusion of all others for a period of five years from and after the first day of September of the year in which they are adopted, provided that any person or district may purchase other books for reference.

October 8th, 1912.

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

Dear Sir:

I acknowledge receipt of your letter of September 16th, requesting my official opinion as to whether or not under the provisions of Sec. 795, Revised Codes of 1907, (1) persons or districts are allowed to use other supplementary books than those chosen by the Text-Book Commission; and (2) may a district use the supplementary books chosen by a previous commission, such books being in the hands of the district.

It is the duty of the Text-Book Commission to select and adopt both basal and supplementary text-books for use in the public schools in the state. The books so selected shall, for a period of five years from and after the first day of September of the year in which they are adopted, be used in all the public schools of the State to the exclusion of all others; provided any person or district may purchase any supplementary or reference book for use in any of the schools of the State. (Sec. 795, Revised Codes of 1907). Sec. 800 and 847, Revised Codes of 1907, make it a misdemeanor for any school officer, teacher, or trustee to use or provide for use in the public schools of the state text-books other than those adopted by the Text-Book Commission, except as otherwise provided.

It is apparent that where the Text-Book Commission has selected basal and supplementary text-books that these books must be used in the public schools of the state to the exclusion of all others, except that other books may be purchased or provided for reference purposes, and such books so adopted by the Commission shall be used for a period of five years from and after the first day of September of the year in which they are adopted. This is assuming, of course, that the State Text-Book Commission has adopted both a basal and supplementary text-book.

Yours very truly,

ALBERT J. GALEN,

Attorney General.