

**Text Books, Use of in Public Schools.**

Under the provisions of law the text book commission was required to select "basal text books" and "supplementary text books." If a school board use either of such class of books, it is complying with the law.

August 15th, 1913.

Hon. H. A. Davee,  
Superintendent Public Instruction,

Dear Sir:

I am in receipt of your letter of the 11th instant, submitting the question:

"Under existing text book law is it legal for a board of school trustees to use supplementary text books to the exclusion of the basal books which are outlined in the state course of study?"

The law relating to the selection of text books is found on page 271 and 272 of the Session Laws of 1913, and in effect requires the text book commission to select two classes of text books, which are designated "basal text books" and "supplementary text books," and the text books adopted must be used in the public schools, I have not been able to find anywhere in the act any provision compelling school boards to use both the basal and the supplementary text books, nor is there any provision there which either commands or prohibits

the use of one to the exclusion of the other. The penal part of the statute, found on page 275, prohibits the use of any text books other than those adopted, but if the school board uses either the basal text books or the supplementary text books, it is not guilty of the offense named on said page 275. The law of 1913, Chap. 76, is not substantially different, so far as this phase of the question is concerned, from the provisions of Secs. 794 and 795 of the Revised Codes of 1907, on which the decisions of this department have been based. These decisions are found in Opinions of Attorney General, 1908-10, at page 29, and Opinions of Attorney General, 1910-12, at page 521.

Yours very truly,

D. M. KELLY,

Attorney General.