

Schools, Consolidation of. Trustees, Powers of Upon Consolidation of School Districts. Consolidation, Powers of Trustee.

It is within the discretion of the Board of School Trustees to close one or more schools in a consolidated district when it appears to them to be for the best interests of the district.

August 21, 1914.

Hon. T. F. Shea,
County Attorney,
Deer Lodge, Montana.

Dear Sir:

I am in receipt of your communication under date of the 17th inst., relative to the consolidation of school districts and the continuance of school in school houses which are included within the single district by the act of consolidation. The provisions of Chap. 76, Session Laws of 1913, relative to this subject, are found in Secs. 507, 508 and 1600. By Secs. 508 and 1600 the board of school trustees is prohibited from removing, selling or disposing of school houses or school sites without the consent of a majority of the electors of the district first obtained by means of an election upon that question. This prohibition does not, however, take away from the board of school trustees the power to say whether school shall be conducted in a certain school house during the school year or not. That is a matter entirely within their discretion, and, as illustrating their authority in this matter you are referred to paragraph 3 of Section 507 of Chap. 76. By that provision they are expressly given the power to close a school and send the children who would naturally be pupils there into another district.

I am of opinion that it is well within the discretion of the board to close one or more school houses in a consolidated school district when, in their opinion and good judgment, it is for the best interests of the district to do so.

Yours very truly,

D. M. KELLY,
Attorney General.