

School Board, Powers of. Gymnasiums, Power of School Districts to Build.

School districts maintaining high schools have power to issue bonds for the purpose of building gymnasiums.

March 16, 1916.

Hon. E. C. Kurtz,
County Attorney,
Hamilton, Montana.

Dear Sir:

I am in receipt of your communication under date the 7th instant, inquiring whether or not bonds may be issued by a school district maintaining a high school for the purpose of building a gymnasium. You state that you have not been able to find any specific provision in the school law authorizing bonds for such a purpose. It is true that the legislature has not specifically authorized bonds in such a case. I think, however, that under the modern conception of education, the training of the body is quite as important as that of the mind. District High School Trustees are given the authority, and it is their duty, to decide upon what subjects shall be taught, and if they, in the exercise of their discretion, consider gymnasium work a necessary element in the education of the youth of their district, I see no reason why this may not be included. It is significant that the law does provide for certificates for teachers trained in physical culture.

I am of the opinion, therefore, that it is within the discretion of the trustees to provide for gymnasium work, and to submit the question of the issuance of bonds for the construction of a building or furnishings of such facilities as are necessary to carry the work on, to the voters. The form of notice in such a case, and the form of the ballot, should be as in the ordinary case of a school building in as much as if gymnasium work is given as a part of the high school work, it would properly be classed as a school building.

Yours very truly,

J. B. POINDEXTER,

Attorney General.