

School Trustees—Temporary Schools.

A Board of Trustees have the authority to employ a teacher, furnish books, and temporarily maintain a new school without a vote of the electors. This would not include the right to locate a permanent site for the school house.

November 2nd, 1917.

Miss May Trumper,
Superintendent Public Instruction,
Helena, Montana.

Dear Miss Trumper:

I have your letter of October 30th, in which you quote from a letter of the County Superintendent of Flathead County, as follows:

"The people living near Lake Blain have wanted a new district and I have turned them down twice. Now they want a six months' term in their part of the district during the coldest weather. The rest of the time they could send their children to Cayuse and Fairview. They have a building they could use. Would it be all right to have the trustees go ahead and furnish books, seats and other supplies for them and also pay a teacher without a vote of the people?"

"Officers of school districts are public officers, and, like other public officers, their authority and powers are generally determined by statute and they can rightfully perform all those acts which the law expressly or impliedly authorizes, such as disbursing school funds, prescribing course to be given, such as music, employing teachers, and all other things necessary for the government of schools and the control and management of teachers employed therein, subject only to the general educational laws of the state." 35 Cyc. 899-900.

By Section 508, paragraphs two and six, the Board of Trustees of a school district have the power to employ teachers and to fix and order paid their wages, and to provide for school furniture and for everything needed in the school house. In *Campana vs. Calderhead*, 17 Montana. at 551, our Supreme Court in referring to Section 1797 of the Political Code of 1895, which section corresponds to Section 508 of the present school law, stated as follows:

"Section 1797, Id., prescribes the powers of school boards. These powers are very full and general. Under and by this statute it can scarcely be denied that to the school boards is delegated the authority to look after the interests of the public schools in their district....."

It would therefore appear that the Board of Trustees of this school district would have the right to employ a teacher, furnish books, and maintain a school in this building temporarily without a vote of the electors of the district. Of course if they desired to locate a perma-

ment site for the school house, or if they desired to build a new school house, it would be necessary to hold an election, but I do not believe that an election would be necessary in the case which you have submitted.

Respectfully,

S. C. FORD,

Attorney General