

**District High Schools—Distribution of Funds in Counties Not Having County High School.**

The basis of the apportionment of high school funds in counties not having a county high school is the actual number of days attendance for the year preceding. If a scholar is not in attendance for any cause, he cannot be construed to be in attendance, altho absent on account of farm labor or an epidemic.

May 16th, 1918.

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

Dear Miss Trumper:

You have requested my opinion upon a question in regard to the distribution of high school funds in counties not having a county high school. It appears from your letter that a district high school did not open at the regular time on account of a epidemic of infantile paralysis and also that many boys left school in several districts maintaining high schools for the purpose of working on farms.

By Chapter 105 of the 1917 Session Laws, the money raised for high school purposes in counties not having county high schools shall be apportioned by the County Superintendent to the several districts in which such accredited high schools are maintained in proportion to the *total number of days attendance* of accredited high school classes for the school year next preceding. By Chapter 119 of the 1915 Session Laws, amending Section 2112 of Chapter 76 of the 1913 Session Laws, this fund was apportioned according to the average daily attendance. It is a general rule that words employed in a statute are presumed to be used in their ordinary sense, and that the intention of the legislature must be inferred from the plain meaning of the words. It appears to me that it would be impossible to construe these words in Chapter 105 of the 1917 Session Laws in any other manner than according to their plain meaning, and that is, these funds must be apportioned in proportion to the total number of actual days attendance, and that if a scholar is not in attendance for any cause, that he cannot be construed to be in attendance, altho absent on account of farm labor or an epidemic. Of course absence for these causes is entirely excusable, but I cannot see how it can affect the apportionment of these funds, and that the basis of apportionment must be the actual number of days attendance for the year preceding. I believe any other interpretation would be reading into the statute something which was not intended by the legislature.

Respectfully,

S. C. FORD,  
Attorney General.