

Schools—Children, Compulsory Attendance.

Children between 14 and 16 years of age must attend school, unless their absence is excused under conditions prescribed by law.

March 17, 1920.

Mr. Albert Anderson,
County Attorney,
Glendive, Montana.

Dear Sir:

You have requested a construction of the school law relating to the compulsory attendance of children between the ages of 14 and 16 years, and particularly as to whether children of this age who can read and write the English language and whose services are not required for the support of the family are required to attend school.

Section 1100 of Chap. 76 of the Sess. Laws of 1913, provides that all children under the age of 14 years must attend school except;

- (1) Where bodily or mental condition of the child does not permit.
- (2) Where the child is being instructed at home in the branches named in this section, by some competent instructor.
- (3) Where, in the judgment of the County Superintendent of School, the distance from school would make attendance a hardship.

This section also provides that all children between the ages of 14 and 16 years, not engaged in some regular employment, shall attend school, unless excused for some of the reasons for which children under the age of 14 years might be excused.

Section 1101 of Chap. 76 of the Sess. Laws 1913, as amended by Chap. 43 of the Sess. Laws of 1919, relates to the employment of children. This section prohibits any child under sixteen years of age from being employed during the school term unless such child shall present to his employer an age and schooling certificate. This age and schooling certificate *shall* be issued on satisfactory proof; (1) that the child has successfully completed the eighth grade, as same is designated and determined by the State Board of Education, (2) that the child is over 16 years of age; and *might* be issued in case the wages of any child over 14 years of age are necessary to the support of the family of such child.

The provisions of Section 1102 of this chapter are in conflict with the provisions of Section 1101, but as the latter section is the later enactment it would modify the provisions of Section 1102 where they cannot be reconciled. Section 1102 requires all minors over 14 years and under 16 years of age, who cannot read and write the English lan-

guage, to attend school as required by the provisions of Section 1100. This provision as modified by Section 1101 as amended, would require such child to attend school unless regularly employed, and would permit him to be employed only upon his presenting an age and schooling certificate, which may be issued to him upon satisfactory proof that his wages are necessary for the support of the family.

I am, therefore, of the opinion that all children between the ages of 14 and 16 years must attend school unless regularly employed, and that they may be employed upon presenting an age and schooling certificate, showing that they have successfully completed the eighth grade, or that their wages are necessary to the support of the family, or unless excused for any of the reasons enumerated in Section 1100.

Respectfully,

S. C. FORD,

Attorney General.
