

**Apportionment—Adults—Census—County Superintendent—High School—Schools.**

“Apportionment” as used in the statute relating to apportionment of high school funds is intended to include only those between the ages of six and twenty-one years.

Adults attending high school are not entitled to be included in determining the average daily attendance.

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

My dear Miss Trumper:

You have submitted to this office the question whether adults who attend a high school may have their attendance credited in apportioning the high school funds.

The funds apportioned among the high schools of the county are raised by a tax levy upon the whole county. In counties having a county high school, the tax is not to exceed five mills, and in all other counties three mills.

Section 1280, Revised Codes of 1921, as amended by Chapter 19 of the Laws of 1923, provides in part as follows:

“In any county where a county high school has been established, any school district which maintains high school classes, duly accredited by the State Superintendent of Public Instruction shall be entitled on such accreditation to share in all county high school moneys levied and collected for maintenance, and the money derived from such levy shall be apportioned by the County Superintendent of Schools to the several accredited high schools in the county, according to the average daily attendance in accredited high school classes for the school year next preceding as determined by the said County Superintendent.” \* \* \*

This accreditation is made without regard to the residence in the particular district where the pupil attends.

Apportionment of the common school funds in this state has always been made on the basis of school census children between the ages of six and twenty-one years as shown by the returns of the District Clerk for the preceding school census. (Section 1204, Revised Codes of 1921.)

The word “apportionment” as used in Section 1280, as amended, and in other sections of the statute relating to apportionment of high school funds is intended to include the same class as to ages as are included in Section 1204, Revised Codes of 1921. Under this section only those between six and twenty-one years are entitled

to share in apportioning common school funds. There is no indication in the statute that any others were intended to be included in high school attendance.

It is, therefore, my opinion that adults who attend high school are not entitled to be included in determining average daily attendance.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.