

**High Schools—Schools—Examinations Required — Students.**

Students attending schools which are not supervised by Superintendents who are required to qualify as teachers in the public schools are required to pass eighth grade examinations.

Students attending unsupervised schools are required to pass eighth grade examinations.

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

My dear Miss Trumper:

You have submitted to this office the question of whether students completing the eighth grade in parochial schools may be admitted to the high school without passing the state eighth grade examination.

Section 836, Revised Codes of 1921, defines the powers of the State Board of Education as follows:

“The State Board of Education shall have power and it shall be its duty: \* \* \*

“4. To prescribe standards of promotion to the high school department of all public schools of the state and to accredit such high schools as maintain the standards of work prescribed by the Board; provided, that in all examinations which shall be given by this Board and shall be conducted by the County Board of Educational Examiners, to determine the scholarship of candidates for promotion to high school, 50

per cent of the credits required shall be based upon the eighth grade work completed in any school of this state and certified to the County Superintendent by the principal or teacher of such grade."

Rule 13 as prescribed by the State Board of Education reads as follows:

"Schools under direct supervision shall be permitted to determine their own conditions for promotion from eighth grade to high school, and districts which have no supervision other than that of the County Superintendent, may promote from the eighth grade to the high school on such conditions as may be determined by the State Superintendent."

The conditions imposed by the State Superintendent require an examination of all those who have taken the eighth grade work in schools not employing a Superintendent and who are not under direct supervision.

By the use of the word "supervision," I understand the Board of Education to mean those schools where the Board employs a Superintendent of Schools, whose duty it is to supervise the work of the various teachers under him. It is also apparent that the State Board of Education is attempting to deal only with schools over which it has supervision; that is, the public school system of the state; it has nothing to do with, and I take it that the State Board of Education is not attempting to prescribe rules for, private schools.

It would follow that as such schools are not supervised by Superintendents who are required to qualify as teachers in the public school that they would be required to pass the eighth grade examination the same as unsupervised public schools.

While this appears to be a construction of a rule of the Board of Education rather than statute, it is my opinion that this is what the Board intended.

Very truly yours,

L. A. FOOT,  
Attorney General.