

Schools—School Districts—Elections—Principal, Teachers.

Appointment of teachers and principals by third class school districts is for one year at a time.

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

My dear Miss Trumper:

You have submitted to me for my opinion the following:

"An inquiry has been made to this office regarding the question of the election of a principal of schools in a third class district for a period of two years. Is such an election legal or may such individuals be elected only for a period of one year at a time?"

Section 981, Revised Codes of 1921, provides that in districts of the first and second class the Board of Trustees may appoint a Superintendent of Schools of the district for such term, not exceeding three years, as the Board may deem proper, and after his second successive employment he shall be deemed elected from term to term of three years each thereafter, unless the Board of Trustees shall, by a majority of the votes of its members, give notice to such Superintendent, on or before the first day of February of the last year of the term of his employment, that his services will not be required for the ensuing term.

Section 1075 provides that after election of any teacher or principal for the second consecutive year in any district in the state, such teacher or principal so elected shall be deemed re-elected from year to year thereafter unless the Board of Trustees shall, by a majority vote of the members on or before the first day of May, give notice in writing to such teacher or principal that his services will not be required for the ensuing year; provided, that in case of principals in charge of school systems such notice shall be given on or before February first.

Construing these two sections together it is apparent that Section 981 applies to districts of the first and second class; consequently, Section 1075 applies to districts of the third class only, and while there is no direct language limiting the employment of either teachers or principals in third class districts to one year at a time, still the language used implies that the employment of both teachers and principals by third class districts is to be for one year at a time; otherwise Section 1075 instead of using the words "re-elected from year to year thereafter," would have used the words "from term to term," as in Section 981.

It is, therefore, my opinion that the Board of Trustees of a district of the third class may not employ a principal for a longer period than one year at a time.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.