

Dormitories—Schools—School Districts—High Schools.

There is no such legal entity as a district high school. The legislature intended by the use of the term to include school districts maintaining high schools. School districts have no authority to maintain dormitories outside their district.

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

July 6, 1925.

My dear Miss Trumper:

You have submitted for an opinion the question whether a school district may use district funds for renting a building in another district for dormitory purposes for use of the children attending school in the other district.

Chapter 152, laws of 1925, provides:

"The board of trustees of county and district high schools shall have the power to purchase, or lease, sites, buildings or materials, and equipment for a dormitory and gymnasium, or either as they may deem proper and for the best interest of the school."

While certain school districts have high schools and are permitted to participate in the tax levied for high school purposes there is no public corporation or school district known as a "district high school."

Whether the legislature intended to provide that school districts maintaining a high school are authorized to purchase or lease sites, buildings, materials and equipment for a dormitory or gymnasium does not appear from this act but I am inclined to believe that the legislature intended to confine this privilege to those districts which maintain high schools.

It does not appear from your question whether the district in question is a district which maintains a high school. By designating "district high schools" the legislature apparently did not intend to include districts not maintaining high schools, nor is there anything in the act to indicate that the legislature intended to permit a school district maintaining a high school to either lease or build a gymnasium or dormitory in another district.

School districts are not organized for the purpose of conducting schools or of owning and operating school property beyond the limits of their own boundaries and, as the legislature has indicated no intent to permit a district to build a dormitory or gymnasium, or to lease buildings of this character, beyond the boundaries of its own territory, it is my opinion that it has no such power, even where it maintains a district high school.

Very truly yours,

L. A. FOOT,
Attorney General.