

Schools—Apportionment—Census.

When a school district because of a padded census gets more than its share of apportionment it may be deducted from next year's apportionment.

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

March 3, 1926.

My dear Miss Trumper :

You have submitted to this office the following question :

"If it is found that a district received state apportionment as a result of padding its census list last year, is there any way to correct that error now?"

The only case that I have been able to find bearing upon the question is that of *Andrus vs. Board of Directors*, 32 So. 420.

In that case the supreme court of Louisiana held that where a particular school district has been apportioned less than its share in one apportionment it is entitled to be made good out of the next and deducted from the amounts which otherwise would be apportioned to those districts which had received the excess.

It seems to me that this is the equitable rule, and it is, therefore, my opinion that the correction may be made out of the apportionment for the subsequent year.

Very truly yours,
L. A. FOOT,
Attorney General.