

**Schools—Dance Halls—Amusement Places—Truant Officers
—Arrests.**

Section 1137, R. C. M. 1921, held to authorize truant officers to enforce orders of superintendents of schools and boards of trustees forbidding the attendance of school children at public dance halls and other places of amusement.

Truant officers in enforcing such orders may enter such dance halls and places of amusement and may remove school children therefrom and may arrest the proprietor of any such place who resists such removal.

C. G. Manning, Esq.,
Superintendent of Schools,
Lewistown, Montana.

December 13, 1924.

My dear Mr. Manning:

You have submitted to this office an opinion rendered by the county attorney's office of Fergus county relative to the powers of truant officers and asking my opinion on the two following questions:

1. Has a truant officer the right to enter a public dance hall or amusement place after school hours for the purpose of ascertaining whether school children are in attendance at such places?

2. Has such officer the right to take children from such places and to place the owners of the premises under arrest in case the latter resist the removal of a minor under eighteen years of age from such amusement houses?

Section 1137, R. C. M. 1921, provides, in part, that truant officers "shall be vested with police powers." It further provides that "the truant officer shall * * * perform such other services as the superintendent of schools or the board of trustees may deem necessary to preserve the morals and secure the good conduct of children."

In my opinion the authority vested in the board of school trustees to "preserve the morals and secure the good conduct of school children" is not limited to supervision of the child while at school or en route thereto. I do not, of course, mean to assert that school trustees have the right to invade the home of a school child and regulate the conduct of its parents. I fully recognize the duty of parental control referred to in the county attorney's letter submitted to this office. However, the duty of parental control does not in my opinion lessen or diminish the authority of school trustees to take such steps as may be reasonably necessary to preserve the morals and secure the good conduct of school children during the entire twenty-four hours of the day as well as during the hours of the day that the school is in session.

This view finds support in 35 Cyc., page 1136, in the following statement:

"The supervision and control of a teacher over a pupil, and of a school board to make needful rules for the conduct of the pupils, is not confined to the school room and school premises, but extends over the pupil from the time he leaves home to go to school until he returns home from school, and as to acts which pertain to duties within the school room, even after he has returned to his home and is under his parents' control; and where the effect of acts done out of a school room while the pupils are coming to or going from school reach within the school room, and are detrimental to good order and the best interests of the school, such acts may be forbidden and the teacher may punish an offending pupil when he comes to school."

I fully realize that such regulations as are above referred to must be reasonable, but to my mind the fact is beyond question that many dance halls and other places of public amusement are of such a character as to manifestly tend to subvert the morals and lower the standard of conduct of school children.

I very much doubt whether the language of section 1137 is broad enough to authorize the truant officer to proceed on his own initiative in the absence of any general order of the superintendent of schools, or

the school trustees, forbidding attendance of school children at places of the sort above mentioned.

If, however, such a general order has been adopted by the superintendent of schools, or by the board of trustees, it is my opinion that the truant officer possesses power and it is his duty to enforce it and for that purpose he may enter any of the prescribed places of amusement and may remove school children therefrom and may arrest any proprietor of such place who resists such removal.

Very truly yours,

L. A. FOOT,
Attorney General.