

**Tuition—School Trustees—Rent—Board—School Districts—School Children.**

Trustees may pay rent or board of children attending school outside of the county of their residence, but may not pay tuition.

October 17, 1927.

Eugene Harpole, Esq.,  
County Attorney,  
Superior, Montana.

My dear Mr. Harpole:

Your letter was received relative to the provisions of section 1010, as amended by chapter 77, laws of 1927.

The question which you have asked is whether the trustees may lawfully pay rent for children of the district who choose to attend school in a district outside their home county.

While this section does not specifically limit the paying of rent or board to the county of the pupil's residence, it apparently was not the intention of the legislature to permit tuition to be paid a district out of the county of the child's residence. This, it appears to me, is evident from the provisions of chapter 19 of the laws of 1923 relative to transferring of high school apportionment.

You will observe that this section limits attendance except in particular instances therein stated to the county where the pupil resides and does not permit a transfer of apportionment except upon the approval of the county superintendent and county commissioners of the county where the pupil resides.

If the legislature had intended apportionment to be transferred in any other case it is my opinion that it would have made provision for transfer when it was dealing with the subject of transfer of apportionment in the instances set out in this chapter.

While it would seem that payments of rent or of board which, of course, are made directly to the parents or party furnishing the same would not necessarily be confined to the county of the pupil's residence, yet the facts justifying such payment and the necessity for the child going outside of the county should, in my opinion, be clearly necessary.

Very truly yours,

L. A. FOOT,  
Attorney General.