

High Schools—Examinations—State Examiner—Publication—Reports.

A county high school is a county agency that administers its own affairs, as do district schools. Reports of examinations made of it are not required to be published in the county paper.

December 8, 1927.

R. N. Hawkins, Esq.,
Assistant State Examiner,
Helena, Montana.

My dear Mr. Hawkins:

You wish to be advised whether reports of the state examiner covering free county high schools are required to be published, the same as are reports of various county offices.

Chapter 81, laws of 1927, amending chapter 30, laws of 1923, as amended by chapter 85, laws of 1925, requires the report of the examiner covering the affairs of any county to be published in the official county paper.

The question presented is whether this includes the free county high school.

Chapter 89 of the session laws of 1927 provides for a fee to be paid into the state examiner's fund by counties, cities, and towns, to cover the cost of examining by the state examiner. These fees are based upon the taxable value of the various public corporations. The same chapter also fixes an arbitrary fee for examination of free county high schools and a fee for the examination of school districts, when deemed necessary by the examiner to make such examination.

While a free county high school is physically a county institution in that its property belongs to the county and it has been designated as a county agency (*Panchot v. Leet*, 50 Mont. 314; *Hamilton v. Board of County Comrs.*, 54 Mont. 301), yet its affairs are administered by a board of trustees in practically the same manner as are school districts. It employs a superintendent and teachers, fixes and pays salaries by warrant, and levies taxes as though it were a separate public corporation. The taxes levied are apportioned among the accredited district high schools of the county. These accredited high schools sharing in the high school levy are required to admit all pupils resident of the county free of tuition, and therefore, in effect, become free county high schools.

The board of county commissioners, as the administrative head of the county having general supervision over all county offices, is required to approve all claims against the county, but does not approve or pass on claims against the county high school fund.

The administration of the county high school fund not being under the supervision of the board of county commissioners, as the executive head of the county, it is my opinion that the report of the examiner is

not a county affair within the provisions of chapter 85, and is not required to be published.

Very truly yours,

L. A. FOOT,

Attorney General.