

Opinion No. 66**Schools—School Districts—Transfers.**

HELD: That section 1013, as amended, providing for the transfer of children from one school district to another means between districts within the state and is not confined to districts within the county.

February 6, 1933.

You request an opinion from this office on the question: Does the law providing for the transfer of children from one school district to another district apply to districts within a county or may it apply where the transfer is made from a school district in one county to a school district in another county?

The statute applicable to such situation is section 1013, R. C. M. 1921, as amended by chapter 109, Laws of 1929, and is as follows:

“Before children may attend the elementary schools in any district other than the one in which they reside, they must first secure the written consent of the board of trustees of the district in which they are to attend the school and also the written consent of the county superintendent of schools of the county in which said children reside, and the county treasurer shall then transfer to the district receiving such pupils all moneys due by apportionment to them”.

This section does not fully explain whether it is to apply to districts within a county or whether it may apply between counties where one lies in one county and the other in another county but it has been the practice of the superintendent of public instruction to construe this section as applying to any districts within the state, and it is the opinion of this office that your opinion, in which you advise that the law means between districts within the state, and is not confined to districts within the county, is a correct interpretation of the meaning of the section.