

**Opinion No. 3.****Schools—Textbooks--Basal Textbooks.**

HELD: Section 1190, R. C. M. 1921, as amended by Chapter 25, Laws of 1925, means that one particular publisher's textbook shall be provided for each branch of learning, as a basal textbook in that branch, and such supplemental textbooks on the same branch of study may be chosen as the commission may determine upon.

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December 7, 1934.

Miss Elizabeth Ireland  
Secretary, State Textbook  
Commission  
The Capitol

We acknowledge receipt of yours of December 6, requesting an opinion in the following matter:

"Kindly let me know if 'basal' found in line 8 in the first paragraph of section 1190, and 'basal' in line 2 of the second paragraph of section 1190 of Chapter 25 of the 1925 School Laws, mean **one or more than one.**

"If basal textbooks are to be adopted in grammar and arithmetic, can there be more than one book adopted as basal for each of the two subjects named?"

Said Section 1190, as amended by Chapter 25, Laws of 1925, provides in part as follows: " \* \* \* that the Textbook Commission will meet, as herein provided, and that it will receive sealed proposals up to twelve o'clock noon, of said second Monday in December next following, for supplying the State of Montana with such basal and supplementary textbooks as the Commission has considered desirable to be changed, \* \* \*. The Commission shall

make contracts for textbooks in the following branches, to-wit: Reading, spelling, writing, arithmetic, geography (elementary and advanced), language and grammar, physiology and hygiene, civil government (State and National), history of the United States (elementary and advanced) and elementary agriculture."

In the next succeeding paragraph is the following: "Said Commission is hereby empowered to adopt such other textbooks supplementary to the basal textbooks above referred to as it may deem advisable. But no supplementary textbooks shall be used in any of the schools in this state except in connection with and supplementary to the basal textbooks adopted by the said State Textbook Commission as provided in this Act. \* \* \*"

The words "basal textbooks" used as above, being in the plural, causes some confusion in determining whether the statute means the plural form shall apply to "basal textbooks" or is used in reference to the basal textbooks of the numerous branches of learning referred to. In our opinion the statute means that one particular publisher's textbook shall be provided for each branch of learning, as a basal textbook in that branch, and such supplemental textbooks on the same branch of study may be chosen as the commission may determine upon. If it were the intention of the legislature to authorize the selection of co-basal textbooks on a single branch of study, it would have been a simple matter to say so rather than the use of "supplementary textbooks."