

No. 446

UNIVERSITY OF MONTANA, High School Honor Scholarship to any component units of—SCHOOLS—HIGH SCHOOL HONOR SCHOLARSHIPS—SCHOLARSHIPS—EDUCATION—STATE BOARD OF EDUCATION

Held: Under amended regulations of the State Board of Education, applications for High School Honor Scholarships must be accompanied by waivers of any implied right to scholarships from students of higher scholastic rank.

July 15, 1942.

Miss Dorothy Green
Acting Executive Secretary
The University of Montana
State Capitol Building
Helena, Montana

Dear Miss Green:

You have submitted the following facts to this office and requested an opinion thereon:

The principal of a Montana High School has just applied for a High School Honor Scholarship for a graduate of the 1941 class. The student ranked tenth in the class. No requests for scholarships have been received from any other members of the class.

Subsequent to the graduation of the applicant here involved, but prior to his application for a scholarship, the State Board of Education amended its regulation in regard to eligibility for High School Honor Scholarships. Under the rule, as amended, waivers of any implied right to scholarships are required from students of higher scholastic rank when one recommended is not the highest.

Is the applicant here involved subject to the rule that the above mentioned waivers must be presented?

Rule three of the regulations governing High School Honor Scholarships reads as follows at the time of graduation of the applicant:

"3. To be eligible for a High School Honor Scholarship the individual must be certified by the principal:

- (a) To be a graduate of an accredited high school of the state;
- (b) To rank wholly within the highest one-fourth of his class in scholarship;
- (c) To be the highest in scholarship of those members of the graduating class desiring to attend the University of Montana."

An addition to part (c) of rule three, supra, was approved by the State Board of Education on April 13, 1942. The new matter is as follows:

"Waivers of any implied right to scholarships are required from students of higher scholastic rank when one recommended is not the highest."

The State Board of Education has, in its rules and regulations, extended to certain high-ranking graduates of accredited high schools of this state the privilege of attending any of the component units of the University of Montana as recipients of High School Honor Scholarships, if they so desire. The Board has specified certain requirements to be met before such scholarships will be awarded.

The Board, in the exercise of its discretion, amended the regulations regarding High School Honor Scholarships in 1942. The old regulations

then ceased to exist. From the date of the amendment the receipt of such scholarships was conditioned on new and different requirements.

It is therefore my opinion the applicant for a High School Honor Scholarship who graduated from high school in 1941 must nonetheless accompany his application with waivers of any implied right to scholarship from student of higher scholastic rank, as required by rule three of the Regulations of the State Board of Education governing High School Honor Scholarships.

Sincerely yours, .

HOWARD M. GULLICKSON
Attorney General