

Opinion No. 107

**Schools—Diploma, High School
Equivalency — Embalming,
Requirement to Practice.**

Held: A High School Equivalency Diploma granted to a veteran meets the requirements that a veteran applicant for a license to practice embalming be a high school graduate.

April 8, 1948

Miss Elizabeth Ireland
State Superintendent of
Public Instruction
Capitol Building
Helena, Montana

Dear Miss Ireland:

You have requested my opinion as to whether a High School Equivalency Diploma satisfies the requirement for a high school diploma for an applicant to practice embalming in the State of Montana.

Chapter 67, Laws of 1941, as amended by Chapter 151, Laws of 1943, prescribes the qualifications of persons desiring to practice embalming in Montana. One of the requirements is that the applicant present a diploma of graduation from high school.

On July 8, 1946, the State Board of Education adopted a resolution which provided that veterans of Montana who pass the General Education Development Tests shall be granted High School Equivalency Diplomas signed by the Governor and the State Superintendent of Public Instruction.

This Equivalency High School Diploma is accepted and given full faith and credit by each unit of the University of Montana.

The State Board of Education, being a constitutional board, vested with the power and authority over the public school system of the State, has broad powers, one of which is found in Section 836, Revised Codes of Montana, 1935, as amended by Chapter 158, Laws of 1945, as follows:

"To prescribe standards of promotion to the high school depart-

ment of all public schools of the state, and to accredit such high schools as maintain the standards of work prescribed by the board;"

A similar provision is found in Section 1262.70, Revised Codes of Montana, 1935, which states:

"The State Board of Education shall prescribe the standards for promotion from the elementary schools to the public junior and senior high schools of the state and shall likewise fix the standards of work for all public high schools and accredit such schools as attain and maintain the standards thus fixed."

The above quoted statutes make it apparent that the State Board of Education fixes the standards for high school study. Its recognition of the educational attainments of veterans who pass the prescribed tests by granting of equivalency diplomas establishes the veterans as having achieved a high school education.

Chapter 67, Laws of 1941, as amended, in requiring a high school diploma as one of the qualifications for an applicant to practice embalming is complied with by applicants who present equivalency diplomas.

It is, therefore, my opinion that a High School Equivalency Diploma so granted to a veteran meets the requirements that such a veteran applicant for a license to practice embalming be a high school graduate.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General