

**OPINION  
42-106**

October 1, 1942(OPINION)

SCHOOLS

RE: Discontinuance

This is in reply to your inquiry as to whether or not under chapter 206 of the Session Laws of 1939 it is discretionary with the school board to discontinue school if the attendance for ten consecutive days is less than six.

Said chapter provides among other things, that any school may be discontinued when the average attendance of pupils therein for ten consecutive days is less than six, \*\*\*\* if proper and convenient school facilities be provided for the pupils therein in some other school; and such proper and convenient facilities must be provided for the pupils in the territory of such school until such time as the school may be reopened by the board.

You will observe that this statute provides that a school may be discontinued, etc. It is clear therefor that it is within the discretion of the board to discontinue such a school or continue it in session. If such school is discontinued by the board, then proper and convenient facilities must be provided for the pupils therein as provided in said chapter 206.

If in the judgment and discretion of the board it is for the best interest of the district and the pupils therein that such school be kept open notwithstanding that there are not six pupils in attendance, then under the provision of said statute such school may be kept open.

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Attorney General