

No. 239

BOARD OF SCHOOL TRUSTEES—SCHOOLS—
SCHEDULE OF TRANSPORTATION ALTERED—
COUNTY SUPERINTENDENT OF SCHOOLS—STATE
SUPERINTENDENT OF PUBLIC INSTRUCTION

Held: Where the board of school trustees exercise discretion in closing school in district and amount offered as transportation is not sufficient to pay actual cost, then county superintendent may alter schedule and increase payment, with consent of state superintendent of public instruction, in accordance with part (8) of Section 7 of Chapter 152, Laws of 1941.

September 12, 1941.

Mr. John D. Stafford
County Attorney
Cascade County
Great Falls, Montana

Dear Mr. Stafford:

You have submitted the following question:

"Where the board of trustees of a school district have exercised their discretion in closing one of the schools in their district and have then offered to pay parents of school children of said school certain sums for transportation and said amounts are considered by said parents as inadequate to pay the actual costs of transportation and where some of said children cannot be transported all of the school time, what relief may be extended?"

It is evident the board of school trustees determined it would be more economical and desirable to close the school and either board the pupils or pay for their transportation.

In the event the amount offered the parents by the board is in accordance with the schedule set forth in Section 7 of Chapter 152, Laws of 1941, and such amount is insufficient to pay the actual cost of either transportation or board and room, then the said parents may take the matter to the county superintendent who may increase the schedule if he or she determines to do so; but the county superintendent must have the consent of the state superintendent of public instruction to alter the said schedule.

The aforementioned increase in the schedule is specifically provided for by Section 7, subdivision (8), of Chapter 152, Laws of 1941, which is as follows:

"(8) In isolated cases where it will be more economical and desirable to close a school and board a pupil or pupils in a private home

or in a dormitory, this schedule may be altered by the county superintendent of schools with the consent of the state superintendent of public instruction."

It is thereforè my opinion that, where a board of trustees closes a school, it must furnish either transportation or board and room in lieu thereof for the children of such school and, in the event the amount set forth in the schedule under Section 7 of Chapter 152, Laws of 1941, is insufficient to cover the actual costs of transportation or board and room, then the said schedule may be altered by the county superintendent of schools by increasing the amounts allowed, with the consent of the state superintendent of public instruction.

Sincerely yours,

JOHN W. BONNER
Attorney General