

Transportation — High School Pupils — District High Schools—Schools.

Section 87 of chapter 148, laws of 1931, fails to provide any levy to cover the cost of transportation of district high school students. District high school students may not be given transportation except when residing on the same route as grade pupils, when transportation is furnished for the grade pupils.

Mr. A. D. Baker,
County Attorney,
Ryegate, Montana.

July 31, 1931.

My dear Mr. Baker:

You have requested an opinion relative to providing transportation for high school students by district high schools.

As the provision for a levy which was intended to cover the cost of transporting district high school students was omitted from the enrolled bill there is no provision of law by which a levy can be made for that purpose unless the electors of the district see fit to vote a special levy as authorized by the latter part of section 87 of chapter 148, laws of 1931.

Where a district maintains a high school and also transports its children in the primary grades the cost of transporting high school students, particularly those from the same families where there are primary grade children or where they reside on the same route, would not be very great, and it is possible that the district could offset this amount with the surplus of some other item paid for out of the county levy.

It will no doubt be difficult to exactly apportion the costs of certain activities between the high school and primary grades, especially where the high school is conducted in the same building as the primary grades. It would be very hard to accurately divide the cost, for instance, of heating, lighting and janitor services, and possibly teachers' wages in many classes or activities where the same teacher is used in both cases, but you are absolutely right in your conclusion that there is no provision of law for making a levy to cover the cost of transporting high school students as part of the high school budget.

Very truly yours,

L. A. FOOT,
Attorney General.