

No. 165

SCHOOL TRUSTEES—TRANSPORTATION

Held: Boards of School Trustees—after determining to furnish transportation—may furnish transportation to eligible pupils of the district to their own district school, or may furnish transportation to another district, or furnish rent, room and board—whichever they determine for the best interest of the pupils of the district.

July 9, 1941.

Mr. D. W. Doyle
County Attorney
Pondera County
Conrad, Montana

Dear Mr. Doyle:

You have submitted the following question:

“Where a board of school trustees has authorized the payment of transportation and maintains the only school in its district, is the school district required to pay transportation of pupils who attend

school in another district or is the Board required to pay compensation in lieu of transportation in the way of rent or board, outside of the district?"

In answering your inquiry, it is necessary to read all of Chapter 152, Laws of 1941, together.

It will be observed the act confers on the boards of trustees of school districts a great deal of power, latitude and discretion in the furnishing of transportation for the school children of their respective districts.

In reading the act, it is manifest it is left to the discretion of the board of trustees whether it will furnish transportation at all. If it resolves to furnish transportation, then it must do so by bus, rail or other modes of transportation; or it must pay parents or guardians for transportation, or pay rent or board, or any part thereof, and provide supervised correspondence study or supervised home study.

Any amount expended in lieu of transportation shall not exceed the per-pupil cost set up by schedule in Section 7 of the act, except where the board closes the school in the district. (State ex rel. Lien v. School District 73, 106 Mont. 223, 76 Pac. (2nd) 330.) The board may close a school and provide transportation for the school children to another school or schools in the district or to a school or schools in another district.

The board may provide for transportation of any eligible school child or school children from their district to another district or provide board and room away from home for the duration of the school term, without regard to school district or county boundary lines in the State of Montana, each case to be considered on its own merits.

The board, after passing a resolution to furnish transportation, would then determine the method of providing the same, and make the necessary levy.

All of the foregoing discretion on the part of the board is to be exercised for the best interests of the pupils of the district.

Therefore, it is my opinion a board of school trustees may, after determining to furnish transportation, treat each case separately and, in the board's discretion, for the best interest of each eligible pupil of the district, furnish transportation either to the school in the district or to a school in another district, or room, rent and board, as determined by the board.

Sincerely yours,

JOHN W. BONNER
Attorney General