

No. 286

**SCHOOLS AND SCHOOL DISTRICTS—
TRANSPORTATION**

Held: If the trustees of a school district determine it is for the best interests of a pupil to furnish bus transportation, plus payment for three miles from home to bus line for one day of the week and payments for board and room in lieu thereof for the other four days, they have the authority to do so.

November 10, 1941.

Mr. E. P. Conwell
County Attorney
Carbon County
Red Lodge, Montana

My dear Mr. Conwell:

You have asked the opinion of this office on the following question:

"If a student lives three miles from the bus line and wishes to draw individual transportation for these three miles and ride into school on the bus on Monday morning, board and room in town and then go back on the bus Friday evening, can she draw individual transportation for the four days for board and room and the fifth day's transportation going to the bus?"

Section 9 of Chapter 152 of the Laws of 1941 provides who shall be eligible to transportation, if the trustees of a school district decide transportation shall be furnished in their district. Section 2 of Chapter 152 defined "transportation" as actual transportation or services in lieu of transportation. If other than actual transportation is furnished, the amounts paid are to be determined by the schedule set out in Section 7 of the act. Under Section 7, subsection (5), Chapter 152 of the Laws of 1941, a child living three or more miles from a bus line may receive transportation aid on the basis of the schedule fixed in Section 7. So the child under consideration is, in any event, entitled to services in lieu of transportation for the three or more miles from the residence to the bus route.

Section 7 of Chapter 152 of the Laws of 1941 provides that "the board of trustees may pay to the parents or legally appointed guardian of each child, eligible to transportation" the amount set out in the schedule in lieu of providing bus transportation. As suggested by you, then, it is discretionary with the board of trustees whether bus transportation or payments in lieu thereof be furnished.

It is my opinion that, if the trustees determine it is for the best interests of the pupil and the district to furnish bus transportation, plus payment for three miles from home to bus line for one day of the week and payments for board and room in lieu thereof for the other four days, they have the authority to do so.

Sincerely yours,

JOHN W. BONNER
Attorney General