

not be granted under the provisions of Subsection 8 of Section 7, Chapter 152, Laws of 1941, as amended, when the parents of pupils reside within a district where no school is closed and the pupils attend school within the district.

July 13, 1945.

Mr. W. M. Black
County Attorney
Toole County
Shelby, Montana

Dear Mr. Black:

You have asked my opinion on the following question:

May a family receive an additional allowance under the provisions of Subsection 8 of Section 7, Chapter 152, Laws of 1941, as amended by Chapter 189, Laws of 1943, and Chapter 116, Laws of 1945? The parents of the children now receive a transportation allowance and the family resides in a district where no school is closed and they attend school within the district.

Subsection 8 of Section 7, Chapter 152, Laws of 1941, as amended, reads as follows:

"In isolated cases where it will be more economical and desirable to close a school and to provide transportation, or board in a private home or dormitory for one or more pupils in order that they may attend another school in the same district, or in order that they may attend a school in another district, or where a school is maintained in a district but one or more pupils reside at such a distance from the school that it would be more economical and desirable, instead of furnishing transportation or board for attendance at the school in such district, to furnish transportation or board for attendance at the school in such district, to furnish transportation or board in a private home or dormitory while attending school in another district, this schedule may be altered by the county superintendent of schools, with the consent and approval of the state superintendent of public instruction; provided that in no case shall the altered schedule allow more

Opinion No. 55.

**Schools and School Districts—Bus
Transportation—Transportation—
Board and Room of School
Children—Allowance,
Transportation**

**Held: An increased allowance for
transportation, rent or board in
lieu of bus transportation may**

than twenty-five dollars (\$25.00) per month for one child, ten dollars (\$10.00) per month for a second child and five dollars (\$5.00) per month for each child in addition to two from the same family."

The above quoted section is applicable in two instances:

1. When it would be desirable to close a school in the district and furnish transportation or board for attendance at a school in the same district or another district.
2. When pupils reside at such a distance from the school in their district that it would be more economical and desirable to furnish board and transportation for attendance at a school in another district.

Under the facts which you presented, the provisions of Subsection 8 of Section 7, Chapter 152, Laws of 1941, as amended, are not applicable as no school is closed within the district which would preclude any increased assistance under the first class and the fact that the pupils attend school within their own district prevents any assistance being given under the second class.

We must take the law as the legislature has written it, without taking something therefrom or adding thereto.

It is, therefore, my opinion that an increased allowance for transportation, rent or board in lieu of bus transportation may not be granted under the provisions of Subsection 8 of Section 7, Chapter 152, Laws of 1941, as amended, when the parents of pupils reside within a district where no school is closed and the pupils attend school within the district.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General