

**OPINION
43-105**

October 8, 1943 (OPINION)

SCHOOLS

RE: Consolidated - Transportation

I have checked into the matter of transportation for pupils in consolidated schools.

The transportation law for consolidated schools was amended by chapter 208 of the Session Laws of 1939. Among other things this chapter provides:

"In the case of any consolidated school heretofore or hereafter established under the provisions of this Act, the school board may in its discretion and at its option pay to each family residing more than two miles from such school, by the nearest route, whose child or children shall attend such consolidated school, not including children in the high school department thereof, a sum per day for each day's attendance, in proportion to the distance from such school, according to the following schedule:"

Then the schedule follows.

The statute further provides that in lieu of such transportation, the board at its option and in lieu of payment of transportation may furnish vehicular transportation, or furnish the family the equivalent of such payment in lodging and tuition, etc.

It will thus be seen that it is within the discretion and option of the school board as to whether or not transportation or lodging or tuition at some other school shall be paid.

Prior to the enactment of chapter 208 Session Laws 1939, it was mandatory on the part of school boards in consolidated schools to pay transportation, but, as I have pointed out, this was changed by said chapter 208.

ALVIN C. STRUTZ
Attorney General