

SCHOOLS - TRANSPORTATION:

Approval of various statements concerning transportation problem

July 19, 1935



Hon. Lloyd W. King
State Superintendent of Public Schools
Jefferson City, Missouri

Dear Mr. King:

This is to acknowledge your letter dated July 18, 1935, as follows:

"This department is preparing a transportation bulletin for publication which will be used as a guidance for school officials.

We have prepared the attached material concerning three phases of transportation, namely: 1. Types of Organized Transportation. 2. State Transportation Aid or Reimbursement. 3. Legalizing Transportation. Does the plan submitted in this material meet with your approval as to a statement of facts for interpretation of the statutes concerning transportation? "

The material attached to your letter relating to the three phases of transportation was the outgrowth of numerous conferences between your department and this department concerning the subject matter. It is practically a rescript of our discussions. Further, we call your attention to the fact that the transportation problem was before the last General Assembly (58th General Assembly), with the result that a new section was enacted known as

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Section 16a, found in House Bill No. 319 approved by the Governor on June 10, 1935 without an emergency clause, so that said act will go into effect August 27, 1935. The State Teachers' Association of Missouri was interested in House Bill 319 and we understand had a considerable part in drafting said section, so that the plan submitted by you is practically the same as that submitted by the State Teachers' Association. Many sections pertain and are inter-related to the transportation of pupils, namely, Sections* 9354, 9195, 9217, 9197, 9358 R. S. Missouri 1929, Section 13 Laws of Missouri 1931, page 340, Section 20 Laws of Missouri 1931, page 346, Section 16a House Bill 319, Laws of Missouri 1935. House Bill 319, Section 16a, is not found, as yet, in the Laws of Missouri 1935 because said laws have not been printed. Consequently, we will set said section out in full, as follows:

"When any school district makes provision for transporting any or all of the pupils of such district to a central school or schools within the district, and the method of transporting is approved by the state superintendent of schools the amount paid for transportation, not to exceed three dollars per month for each pupil transported a distance of two miles or more, shall be a part of the minimum guarantee of such district for the ensuing year. When the board of directors of any school district makes provision for transporting the high school pupils whose tuition it is obligated to pay, to the school or schools they are attending, and the method of transporting is approved by the state superintendent of schools, the amount paid for transporting such pupils, not to exceed three dollars per month for each pupil transported a distance of two miles or more, shall be a part of the state apportionment to such district for the ensuing year, if no part of the minimum guarantee of such district has been used to pay any part of the cost of

*As amended Laws of 1933, page 388.

transporting such pupils. When the board of directors of a district that admits non-resident pupils to its high school makes provision for transporting such pupils to such high school, and the method of transporting and the transportation routes are approved by the state superintendent of schools before the transportation is begun, the amount spent for transporting such pupils, not to exceed three dollars per month for each pupil transported a distance of two miles or more, shall be a part of the state apportionment to such district for the ensuing year, if no money apportioned to such district from any public fund or funds has been used to pay any part of the cost of transporting such pupils, except money apportioned to such district to pay the cost of transporting such pupils."

The other sections of the statutes are found in the Revised Statutes and Session Acts and we will not quote them. One thought we desire you to keep in mind is that the method of transporting pupils must be approved by the State Superintendent of Schools. In Section 16a, supra, you will note that said statement is found three times therein, so that a district desiring to transport pupils must have the approval of the State Superintendent as to the method. Hence, we deem it unnecessary to write a lengthy opinion on the subject you inquire, because the matter has been gone over fully orally and we herewith submit a concise statement concerning the three phases of transportation, which, in our opinion, may be printed in your bulletin and such meets with our approval as a statement of facts interpreting statutes concerning transportation. This statement being as follows:

I. TYPES OF ORGANIZED TRANSPORTATION

A. Types of Transportation for which special state aid may be apportioned.

1. General transportation of pupils within a consolidated or other enlarged school district that receives its regular apportionment under the equalization quota plan.
 2. Transportation of high school pupils across district lines as follows:
 - a. By rural or other districts - pupils who attend high school and whose tuition they are obligated to pay.
 - b. By high school districts - pupils from rural or other districts who are admitted to the high school. Section 16a H.B.319, Laws of Missouri, 1935.
 3. Transportation of elementary pupils of any elementary school within a consolidated district when the average daily attendance falls below ten pupils. Section 9354, R. S. 1929, as amended Laws of 1933, page 388.
- B. Other Types of Transportation for which special state aid cannot be apportioned. (Districts that provide the following types of transportation receive state aid apportioned only on the basis of a fractional or full teaching unit or aid under Section 9358.)
1. Transportation of elementary pupils to other schools when the average daily attendance of any rural district is less than 15 pupils. Section 20, p.346, Laws of Missouri, 1931.
 2. Transportation of elementary pupils to other schools when the enumeration of any rural district is fewer than 25 children. Section 9195, R. S. 1929.
 3. Transportation of colored elementary children when school is not maintained within any district in which colored pupils reside. Section 9217, R. S. 1929.

4. Consolidated districts that transport pupils within the district and receive the state apportionment under Section 9358, R.S.1929 cannot qualify for the transportation reimbursement, since they receive more money under the law for consolidation. (Section 13, Laws of Missouri 1931, p.340. and Section 16a House Bill 319.)

II. STATE TRANSPORTATION AID OR REIMBURSEMENT

- A. The amount of state apportionment for transportation shall not exceed \$3.00 per month (15¢ per day) for each pupil transported a distance of 2 miles or more.
- B. The apportionment of state aid for transportation shall be determined as follows:
 1. The state transportation guarantee not to exceed \$3.00 per month, for general transportation of pupils within a consolidated or other enlarged school district that receives its regular apportionment under the equalization quota plan, shall be a part of the minimum guarantee for calculating the equalization quota for said district.
 2. The state transportation guarantee, not to exceed \$3.00 per month, for transportation of elementary pupils of any elementary school within a consolidated district when the average daily attendance falls below 10 pupils, shall be a part of the minimum guarantee for calculating the equalization quota unless said consolidated district receives state aid under Section 9358, R. S. 1929. If state aid is granted under Section 9358, nothing is provided for state transportation reimbursement.
 3. The state transportation guarantee, not to exceed \$3.00 per month, for transporting high school pupils across district lines, by either rural, consolidated, or high school districts, shall be a part of the

state apportionment. The amount approved for transportation would be added to any other state apportionment made to the district.

4. Special state transportation aid cannot be apportioned for any other types of transportation.

III. LEGALIZING TRANSPORTATION

A. Transportation within the district

1. General transportation of all pupils living more than one-half mile from the school house in any school district may be authorized by a two-thirds vote of the qualified voters at an annual or special meeting. School boards are not authorized at their option to use district school funds and carry on general transportation of pupils within the district except as provided by law. Section 16a.H.B.319,Laws of Missouri, 1935 and Section 9197,R.S.1929.
2. The school board may without any action of the voters transport pupils living in an elementary school within a consolidated district when the average daily attendance falls below ten pupils. Only a majority vote is required for transporting seventh and eighth grade pupils to the central school. The law is silent relative to transportation of high school pupils within the district except as authorized under general transportation. Section 9354,R.S.1929.

B. Transportation across district lines:

1. The law authorizes the board of directors of any district (rural, etc.) to transport the high school pupils whose tuition it is obligated to pay. The cost of such transportation may be paid from the incidental

fund and state transportation reimbursement. None of the minimum guarantee for teaching units can be used to pay the cost of transportation. Only the local funds raised by a tax rate in excess of the required 20¢ may be used for such transportation. Section 16a, H.B. 319, Laws of Missouri, 1935.

2. The law authorizes the board of directors of a district (high school) that admits non-resident pupils to its high school to make provisions for transporting such pupils. The cost of such transportation may be paid from the incidental fund and the state transportation reimbursement. However, none of the district's money received from public funds can be used for paying transportation costs. Section 16a, H.B. 319, Laws of Missouri, 1935.
3. The law governing the transportation of high school pupils across district lines has no provision which would prohibit school boards from requiring high school pupils to pay part of the cost of such transportation when such cost exceeds the amount of state transportation aid paid the district (occasioned because there is not sufficient funds to pay in full the amount stated in the statute, and such is, accordingly, pro rated,) or the amount the district receives from the state and available local school district incidental funds. Also, there is nothing in the law which would prohibit any rural district from arranging to transport the high school pupils whose tuition it is obligated to pay, by contracting with some high school district to provide the transportation. Similar action on the part of several adjacent rural districts may make it possible for larger unit bus

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transportation which otherwise would
not be possible in some communities.

Yours very truly,

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APPROVED:

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JLH:LC