

SCHOOLS: Consolidated Districts  
may furnish transportation  
to non-resident pupils.

February 16th, 1939.

2-18



Hon. Willard B. Leavitt,  
Prosecuting Attorney,  
Polk County,  
Bolivar, Missouri.

Dear Sir:

This will acknowledge receipt of your  
letter of February 9th, 1939, asking our opinion  
on the following questions

"Has a consolidated High School  
the right to furnish transporta-  
tion, outside its district, to  
transport non-resident pupils to  
said school?"

Section 16, Laws of 1935, p. 351, makes  
provisions for one district to send its resident  
pupils to school in another district, under  
certain conditions. This section then provides:

"Subject to the limitations in this  
section, each pupil shall be free  
to attend the school of his or her  
choice; but no school shall be re-  
quired to admit any pupil; nor shall  
any school be denied the right to  
collect tuition from a pupil, parent  
or guardian, if the same is not  
paid in full as herein provided."

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While we find no express authority for a district to admit a non-resident pupil, it is clear that this section impliedly confers that power upon the district, and leaves it solely to their discretion.

Section 16-a, Laws of 1935, p. 352, pertains to transportation of student, and contains this provision:

"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....."

This statute then provides that the state will pay a portion of the transportation cost on the non-resident pupils, under certain conditions.

Again we find no express provision in the statutes concerning a district's authority to transport to its school non-resident pupils, yet it is equally clear that under this statute by implication, they have such right if they so desire.

Tracing both the above statutes back to their origin it will be found that they are applicable to town, city and consolidated schools. See: Laws of 1935, page 351; Laws of 1933, page 393; Laws of 1931, page 334, Section 16.

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CONCLUSION

It is, therefore, our opinion that consolidated school districts have the authority to furnish transportation to bring to said school non-resident pupils if it so desires.

Respectfully submitted,

APPROVED:

LAWRENCE L. BRADLEY,  
Assistant Attorney General.

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(Acting) Attorney General.

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