

December 19, 1939.

Mr. E. Elmo Bollinger,
County Attorney,
Kingman, Arizona.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Bollinger:

We have your communication of December 4th enclosing a letter dated November 16th signed by C. J. Stockbridge setting forth that his children are attending Trout Creek District School, which is outside of the district in which he lives, by permission of the boards of both districts and that the county school superintendent refuses to allow transportation for transporting the children from their home to the Trout Creek District. You state in your letter that there is no money for transportation in the district funds. We do not know which district you refer to when you say this, or whether you mean that there are no funds in either district. However it is our opinion that when a child is admitted to a school in a district outside the district of his residence by the consent of the boards of trustees of both districts that he is entitled to all the rights and privileges of resident pupils. See *Welston v. Mathews*, 230 Pac. 739 (Okla.) It is therefore our opinion that if the board of trustees of the school which the non-resident child is attending wish to allow his parents transportation, that it is within their power to do so. See subsection 6, Section 1011, R. C. A. 1928.

It is our further opinion that when the board of trustees has decided to allow transportation to the child, that the county school superintendent is without power to override their decision and wishes in the matter. See the opinion set forth on page 21, enclosed in green pencil, in the pamphlet herewith enclosed. Of course if the district is without funds that raises another question, which we do not purport to render an opinion on herein.

Yours very truly,

JOE CONWAY,
Attorney General.

EARL ANDERSON, ✓
Special Assistant
Attorney General.

EDWARD P. CLINE,
Assistant Attorney General.