



*Ginger*  
Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

Robert H. Corbin

November 30, 1981

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Mr. Jon W. Thompson  
Deputy County Attorney  
Office of the County Attorney  
168 South Second Avenue  
Post Office Box 1048  
Yuma, Arizona 85364

Re: I81-128 (R81-164)

Dear Mr. Thompson:

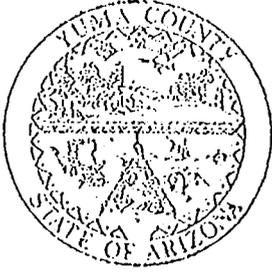
Pursuant to A.R.S § 15-253.B, we decline to review your opinion dated November 3, 1981 to the Bicentennial Union High School District No. 76 concerning that district's policy for providing transportation to non-resident students.

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General

BC:LPS:lm



## OFFICE OF THE COUNTY ATTORNEY

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COUNTY ATTORNEY

MICHAEL J. DONOVAN  
CHIEF DEPUTY

November 3, 1981

EDUCATION OPINION  
ISSUE NO LATER THAN

1-7-83

11-9-81 *jc*  
LOWE

R81-164

Richard Imhoff  
Bicentennial Union High School District No. 76  
P. O. Box 178  
Salome, AZ 85348

Dear Mr. Imhoff:

Your October 20, 1981 inquiry poses two questions regarding your high school district's provision of transportation for non-resident students, who are attending Salome Elementary School, on a space-available basis.

With regard to Question No. 1, A.R.S. §15-342(12) provides that the district governing board may "provide transportation for any child or children when deemed for the best interest of the district, whether within or without the district, county or state". This appears to vest wide discretion in the board regarding transportation, and it will not be presumed that the high school board has acted against the interests of its own district. Op. Atty. Gen. No. R80-262, p. 4, 1981.

<sup>81-29</sup>  
The Salome Elementary District may certainly admit non-resident students to its schools without charging tuition. A.R.S. §15-823(A). Thus it appears that the first part of Question No. 1 may be answered affirmatively.

Concerning the second part of Question No. 1, I understand the issue to be whether the loss of enrollment experienced by the districts where these children reside when the pupils are bused out of the district gives rise to some liability in the receiving district or the high school board which provides the transportation. Since the loss of state aid experienced by the districts losing enrollment is theoretically also attended by decreased expenditures, the high school district should not be liable to the districts from which students are bused, as a result of the loss of state aid experienced by those districts.

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Richard Imhoff  
November 3, 1981  
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Finally, Question No. 2 should be answered in the affirmative, for the same reason as discussed above.

It should be noted that while the high school district may provide transportation as outlined in your letter, it is likewise in the board's discretion to decline to offer such transportation.

Sincerely,

*Jon W. Thompson*

Jon W. Thompson  
Deputy County Attorney

JWT:max