



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

December 28, 1983

Ms. Candyce C. Beumler
Deputy Gila County Attorney
1400 East Ash Street
Globe, Arizona 85501

Re: 183-142 (R83-150)

Dear Ms. Beumler:

Pursuant to A.R.S. § 15-253.B, we concur with the opinions expressed in your letter of October 31, 1983 to La Verne Baker of the Payson School District pertaining to the duty of a district to provide transportation for non-handicapped children in the district. As you pointed out, questions raised by Mr. Baker were previously addressed in Ariz. Atty. Gen. Op. 180-153.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC:SMS:pd



CIVIL DEPUTY
CANDYCE BEUMLER

CRIMINAL INVESTIGATOR
TOMMIE RASMUSSEN

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O P I N I O N *BD*

CRIMINAL DEPUTIES
CATHERINE M. HUGHES
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DENNIS GNOTO (474-1502)

EDUCATION OPINION
ISSUE NO LATER THAN
1-3-84

TO: LA VERN BAKER
SUPERINTENDENT, RAYSON SCHOOL DISTRICT

FROM: CANDYCE C. BEUMLER
DEPUTY COUNTY ATTORNEY

R83- 150

whitehead

11-4-83

RE: Transportation or Payment of Mileage
for Children in School District

DATE: October 31, 1983

You requested that this office issue an opinion as to whether or not a school district is required to provide transportation for a pupil, or in the alternative, to provide reimbursement to the pupil's family for transporting the child to school. The facts, as I understand them, are that a student living within your school district is not on any established bus route, making it necessary for his parents to bring him to school. His parents are now demanding that the school reimburse them for the cost of transporting their child to school. No, a school does not need to provide transportation for any child or group of children within the school district.

A.R.S. §15-342(13) states that it is within the discretionary powers of a school board to provide transportation for any child or children if it is deemed to be in the best interest of the district to do so, whether or not the child is within the district, county, or state. There are apparently two exceptions to this discretionary power. 1) Where a child is handicapped. A.R.S. §15-764; or 2) Where failure to provide transportation would deprive the child of even a minimal education. Op. Atty. Gen. 180-153; Manjares vs. Newton, 49 Cal. Rptr. 805, 411 P.2d 901 (1966). In the Manjares

La Vern Baker
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case, the children, who lived six and twelve miles away from the school, were not able to get to the school by any means as their parents did not have suitable vehicles for transporting children and there were no neighbors in the area who could transport the children either. Furthermore, the parents were unable to educate the children themselves as they did not have sufficient education to do so. This issue has not been decided in Arizona and it is uncertain what weight the Arizona courts would give to the precedent established in Manjares. That situation was fairly extreme in its circumstances, however, and barring equally extreme circumstances in your case, I believe the discretionary nature of the statute will prevail.

A copy of this opinion is being sent to the Attorney General for his review pursuant to A.R.S. §15-122. If no action is taken by that office within 90 days, the opinion will be deemed confirmed.

Arnyal L. Bunker