

Opinion No. 52-5581

September 3, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Floyd Santistevan Assistant Superintendent State Department of Education
Santa Fe, New Mexico

{*290} This is in reply to your letter of September 2nd in which you request an opinion which has been requested by the Hatch Valley Municipal Board of Education. It appears that the Hatch Valley Municipal Board of Education is now furnishing bus transportation for all children to their nearest elementary school and that some parents now wish to bypass their own elementary school and are asking for bus transportation for their children to the Hatch schools.

You advise that a number of children within the Hatch Valley school district seek to attend the schools in the Town of Hatch rather than those schools nearest them. You inquire as to whether it would be proper for the Hatch School Board to provide those children desiring to bypass their own schools and attend the Hatch schools with special bus transportation charging them a fee.

Please be advised that our statutes provide for free transportation in all instances over designated and approved routes. There is no provision in law which would permit the charging of fares for extra transportation.

Under our statutes school bus routes are designated by the State Director of Transportation. After designation of these routes if the local school boards wish to protest them they may do so by appealing to the State Board of Education. Should the State Transportation Director designate a route from one of the outlying communities in the Hatch district into the Town of Hatch and in addition designate that elementary school children be carried by those buses the local school board can accept this route or appeal to the State Board for a reversal of a route designation.

I trust this answers your inquiry fully.