

## Opinion No. 66-74

June 13, 1966

**BY:** OPINION OF BOSTON E. WITT, Attorney General Roy G. Hill, Assistant Attorney General

**TO:** Eloy Blea, Superintendent, Ojo Caliente School District, Ojo Caliente, New Mexico

### QUESTION

#### QUESTIONS

1. May local school districts require standards of school bus drivers in excess of the requirements set by the State Transportation Director?
2. May local school districts require, as a matter of policy, that bus routes be awarded only to owner-drivers?

#### CONCLUSIONS

1. No.
2. See analysis.

### OPINION

#### {\*93} ANALYSIS

Section 73-19-6, N.M.S.A., 1953 Comp. (P.S.), provides in part as follows:

"The director shall work in conjunction with the chief of public school finance and shall have authority with the approval of the state board of public education to establish standards for transportation, to establish bus routes, **standards for drivers** and equipment for buses used in the transportation of pupils." (Emphasis added.)

This section is the only one we have found which refers to the establishment of standards for school bus drivers. Since the State Transportation Director has been specifically delegated the authority to establish driver standards, to the exclusion of all others, it is our opinion that a local school district may not require other standards.

We have found no statutes which would preclude the local policy you {\*94} have suggested in your second question. We, therefore, believe that such a matter would be strictly a policy determination for the local district. We note that driver contracts are subject to the approval of the State Transportation Director, Section 73-19-7, N.M.S.A., 1953 Comp. (P.S.), and that they must be made in the manner prescribed by law.

However, there is no section which requires a local district to contract with other than driver-owners.