

**Opinion No. 21-3034**

July 9, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mrs. Edith M. Coffeen, Superintendent of Schools, Roy, New Mexico.

**Expenses Transportation Pupils in Newly Consolidated School Districts**

**OPINION**

{\*74} I am just now in receipt of your letter of the 7th instant asking for a more detailed opinion concerning the expense of transportation of pupils in newly consolidated school districts.

You ask if School District 43, which is a rural district, is consolidated with School District 33, which is a municipal district, who should pay the expense of transportation.

All expenses of all kinds incurred by a consolidated district must be paid by that district. The expenses cannot be divided unless one district agrees voluntarily to assume a larger part of such expenses than the other district.

The information that the rural district should pay for the truck and the state for the driver and the upkeep of the truck is not correct. The entire expense must be paid by the consolidated district.

This also applies to the consolidated grammar school and high school district of which you speak in your letter, unless there should be some voluntary agreement between the residents of the two former districts wherein one would agree to assume the greater part {\*75} of the expense of transportation by reason of its having been a rural district or because of the greater distance that it is necessary to transport the pupils of such district.