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Adequacy of Legal Provisions Governing School Bus Transportation In Kansas.

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ADEQUACY OF LEGAL PROVISIONS GOVERNING
SCHOOL BUS TRANSPORTATION IN KANSAS

being

A Thesis Presented to the Graduate Faculty
of the Fort Hays Kansas State College
in partial fulfillment of the
requirements for the
degree of Master
of Science

by

John W. Page B. S. in Education, 1937

Fort Hays Kansas State College

Approved

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Date

July 25, 1952

Ralph V. Coder
Chairman Graduate Council

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Author

9.15.52

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CHAPTER I

INTRODUCTION

During the development of the educational system in Kansas, many individuals have considered consolidation a means of providing equal educational opportunity for the education of students. One of the obstacles to accomplishing centralization has been the transporting of pupils.

It was the purpose of this study (1) to make a detailed study of the school bus transportation laws, rules, and regulations of Kansas, (2) to show comparisons and similarities between Kansas and the selected states of Nebraska, Iowa, Oklahoma, Colorado, Montana, and Missouri, and (3) to evaluate certain regulations governing school bus transportation on a state scale in order to suggest improvements which might be considered because of changed conditions.

Statement of problem. The problem of the investigation stated specifically is: to study the adequacy of legal provisions governing school bus transportation in Kansas.

From this study an appreciation of the relative position of Kansas and the other states is gained with the purpose of pointing the way toward possible future study and legislation.

Importance of the problem. Of those forces which exert influences upon education, transportation holds an important place. The extensive reorganization of schools in Kansas during the two years of the school reorganization law¹ shows that the 8,112 total school districts exclusive of community high school districts and rural high school districts was reduced to 5,441.² This is a reduction of 2,671 school districts, or thirty-two and nine-tenths per cent.³

For the state as a whole, more than 3,750 or 46% of the elementary school districts in existence in 1945 were affected in some way by reorganization activity by March 1, 1947.⁴

Study of school bus transportation is being made on a national scale which will eventually be reflected in the regulations by the various states. The United States Office of Education has promoted the development of the state school bus standards through the National Conference on School Transportation.⁵ Their concern about the problem is

1 State of Kansas, Session Laws, 1945, (Topeka, Kansas: State Printing Plant, 1945), Chapter 291, pp. 515-29.

2 Figures taken from School District Reorganization, Publication No. 150, September, 1947, (Topeka, Kansas: Research Department, Kansas Legislative Council, 1947), p. 6.

3 Loc. cit.

4 Ibid., p. 11.

5 National Conference on School Transportation, Minimum Standards for School Buses, (1948 revised edition. Washington, D.C.: National Commission on Safety Education, National Education Association, 1949), 60 pp.

reflected in the historical report of Cooper on the amount and cost of transportation:

Our present system of pupil transportation began in Quincy, Massachusetts about 75 years ago when the board of education spent \$421.12 of public school money to take children to and from school in horsedrawn vehicles. From this meager beginning the transportation system of the country has grown until now 5.5 million children are transported daily in more than 100,000 vehicles at an annual cost that exceeds \$145 million.⁶

In the state of Kansas, Pellegrino reported that approximately 2,900 buses were used in the state to transport 50,000 students a total of 65,000 miles each trip per day.⁷

School administrators have found pupil transportation becoming a major problem in the past fifty years. City schools have become aware of the problem, but about ninety per cent of the pupil transportation was found in the rural areas. The last fifty years has seen great growth in pupil transportation, but considerable expansion can still be expected.

These facts point out the important position the bus system holds in the school program, which is the reason for this investigation.

The rapid growth of transportation on a national

6 Shirley Cooper, "Why Do We Transport Children To School?", The School Executive, April, 1950, p. 11 as cited from "Bus Transportation", February 1949), McGraw Hill Publishing Company.

7 Harold Pellegrino, Assistant Engineer of Safety, State Highway Commission of Kansas, as related in a personal interview at Topeka, Kansas, July 6, 1951.

scale regarding the number of children, buses, annual cost, route miles, and number of schools is presented in Table I. Transportation is a growing service in the schools and as it grows it assumes a more important place in its financial planning.

Definition of terms. Webster⁸ gives the definition of adequacy as "sufficiency for a purpose", with another idea being that of equality.

The term school bus transportation in this study was used to refer to the conveying of children to and from the public schools or on related trips under school supervision and jurisdiction.

The words "public school buses" as used in this investigation include only school buses owned by the school districts.

Limitations. The investigation of this problem is limited to the legal provisions in the selected states of Kansas, Nebraska, Iowa, Missouri, Colorado, Oklahoma, and Montana; attorney general opinions of Kansas; and the Kansas Supreme Court decisions. Indications of trends for school transportation have been stated by various selected national authorities who have written and done research work in this

⁸ Webster's New International Dictionary of the English Language (Second Edition Unabridged); (Springfield, Massachusetts: G. and C. Merriam Publishing Company, 1940), p. 31.

TABLE I

GROWTH OF SCHOOL TRANSPORTATION⁹
1926-1946

Year	Number of Children	Number of Buses	Annual Cost	Miles Route (One Way)	Number of Schools
1926	875,462	32,778	23,430,195	31,045	13,874
1936	3,145,180	79,798	55,280,496	989,004	31,912
1946	4,706,209	81,150	103,428,683	1,913,661	40,387
Per Cent Increase 1926-46	53%	25%	440%	606%	291%

⁹ Frank W. Cyr and D. D. Darland, "Growth and Development of School Transportation," The School Executive, 66:48; February, 1947, as cited from Annual School Bus Census made by "Bus Transportation". McGraw-Hill Publishing Company, New York City, January, 1947.

field.

As there are few standardized forms and procedures for reporting on bus transportation on a national scale, this work is an attempt merely to report the conditions which actually prevail in the several states.

The source of Kansas laws on school transportation is the book of General Statutes of Kansas 1949 edition¹⁰ and supplemented by the 1951 Supplement.¹¹ The transportation laws of the other states contacted is a secondary source as those laws have been reproduced and copies sent to the researcher except that material obtained from Nebraska was incomplete and further research was necessary to obtain the revised general statutes of Nebraska. Volume 5 of the Revised Statutes of Nebraska, 1943 contained the school laws on transportation.¹² The 1951 Supplement¹³ was used for laws related to transportation not listed under the chapter on schools.

A detailed study is made of the laws of the state of

10 State of Kansas, General Statutes of Kansas, 1949, (Annotated); (Topeka, Kansas: State Printer, 1950). 3388 pp.

11 State of Kansas, 1951 Supplement to General Statutes of Kansas 1949 (Cumulative), (Topeka, Kansas: State Printer, 1952). 368 pp.

12 State of Nebraska, Revised Statutes of Nebraska, Vol. 5. Reissue of 1950. 2019 pp.

13 State of Nebraska, 1951 Cumulative Supplement, 1951. 1134 pp.

Kansas and a general comparison with the statutory provisions of the other states in order to show the similarities as well as differences in the systems.

In a limited study of this type it is impractical to make a national study of all the forty-eight states, but reference is made to the work done on a national level, particularly by the Chief State School Officers organization, the United States Office of Education, and the National Education Association. The workbook for use in the National Conference on School Bus Standards¹⁴ was of special help in discovering the required bus standards for Kansas.

The findings of the study are reported with respect to:

1. Variations of the selected states in both theory and practice as well as similarities.
2. Characteristics of the state agencies responsible for administration.
3. Information gained from agencies and researchers in their studies.
4. Recommendations for future study of the several phases of transportation not covered here.

Method of investigation. This report is the result of a study of the laws relating to transportation in

14 National Commission on Safety Education, Workbook For Use in National Conference on School Bus Standards. (New York, N.Y.: National Council of Chief State School Officers, National Education Association, 1948). 98 pp.

selected states, and is an attempt to state the conditions which were found in these states.

Information taken from the General Statutes of Kansas formed the basis of the study as it is from this source that the majority of laws governing the use of school buses in Kansas were secured. The 1951 Supplement was used as another source. A general comparison was then made with statutory provisions of the selected states in order to show the similarities as well as differences in the systems.

The next step was to write to selected national authorities to secure their opinions as to trends, theories, and practices in an effort to discover implications toward future developments of this field. A list of persons contacted is in Appendix B. Letters were written to the National Commission on Safety Education of the National Education Association, and the Federal Security Agency of the United Office of Education. These agencies pointed out sources of information which were helpful in the investigation.

The major part of the information received on state school laws came directly from the chief state school officers of the selected states. These states were Kansas, Nebraska, Iowa, Missouri, Oklahoma, Colorado, and Montana. The list of these people who were contacted appears in Appendix D.

It is expected that the assembled bibliography will be of value as a reference to people who are currently, or have in the past, written on this topic, or to any researcher who desires a ready reference to sources of information on school transportation.

Organization and presentation of the study. The study is presented in six chapters. In Chapter I, the introductory chapter, the problem is stated along with its significance, scope, and limitations. The method of investigation and related research studies are also presented in this chapter.

Chapter II summarizes the state laws governing school bus transportation for Kansas as secured from the latest statute books. Attorney General opinions and Supreme Court decisions for Kansas are discussed. A brief resume has been given of the Holcomb Consolidated School transportation system as an indication of the scope of pupil transportation in western Kansas.

Chapter III is a discussion of the similarities and differences found in the laws of the various states and includes a section devoted to the agencies of regulation in the various states.

In Chapter IV principles of transportation have been presented with indications of adequacy, implications, and theory given by selected national authorities and agencies.

A comparison of theory and practice is made in Chapter V to show how the laws are applied.

The final chapter gives the summary, conclusions, and suggestions for future study.

Following the main body of the thesis are the bibliography, and the appendix which includes the attorney general opinions on transportation in Kansas, the list of authorities cooperating in the investigation, selected letters from these authorities, a list of chief state transportation officers assisting in the investigation, and selected letters from these transportation officers.

Related research studies. There has been considerable study of the problem of pupil transportation with an overwhelming majority of it being in the eastern part of the United States. Research failed to find any studies of an identical nature; however, three doctoral dissertations related to the problem of this report were reviewed.¹⁵

Afflerbach¹⁶ writes on State Supervision Relative to the Transportation of School Children in Delaware, and deals

¹⁵ All references cited on dissertations or theses except Michael are cited from Bibliography of Research Studies in Education, Bulletin 1940, No. 5, or Bulletin 1941, No. 5, (Washington, D. C.: Federal Security Agency, United States Office of Education, 1940 and 1941).

¹⁶ Calvin E. Afflerbach, "State Supervision Relative to the Transportation of School Children in Delaware", (unpublished Doctoral thesis, New York University, 1939). 106 pp.

with the origin and historical development, its legal basis, cost, public conveyance versus private allowance, the school bus, qualifications and duties of school bus drivers, ownership of conveyances, the distance from home to school as a factor in allowing transportation benefits, the route, comparison of transportation in Delaware with North Carolina, Maryland, Pennsylvania, New Jersey, New York, and Indiana, and basic principles underlying pupil transportation. He offers suggestions for improving the system in Delaware, for the safety of the pupils while being transported, and for more adequately equalizing educational opportunity.

A study by Amis¹⁷ found that the two most important factors affecting cost are the size of the vehicle and the length of haul.

Meadows¹⁸ considered safety and economy factors as he discusses the development of the bus system, criteria and classification of standards, school bus specifications, the school bus driver, routes and schedules, and management of school bus transportation.

Many masters theses have been written pertaining,

17 Otis C. Amis, "An Analysis of Certain Factors Affecting the Cost of Transportation in the Central Rural School Districts of New York State," (unpublished Doctoral dissertation, Cornell University, 1939). 245 pp.

18 Austin R. Meadows, "Safety and Economy in School Bus Transportation," (unpublished Doctoral dissertation, Teachers College, Columbia University, 1940). 288 pp.

for the most part, to local areas including studies of Marshall County, Alabama¹⁹; Wayne County, Ohio²⁰; Georgia²¹; Lorain County, Ohio²²; Monroe County, Ohio²³; Indiana²⁴; southwestern Iowa²⁵; and Wisconsin²⁶.

Two studies deserve special mention since the geographical areas studied compare geographically to that of western

19 Virgil Collins, "Certain Aspects of Time and Distance Factors of School Bus Transportation in Marshall County, Alabama," (unpublished Master's thesis, Alabama University, 1940). 100 pp.

20 Harry C. Frey, "A Study of Pupil Transportation in Wayne County, Ohio, with Recommendations for Improvement," (unpublished Master's thesis, Michigan University, 1940).

21 Harvey H. Ferguson, "The Development of School Transportation in Georgia and A Comparison of the Two Forms of Ownership of Equipment," (unpublished Master's thesis, Georgia University, 1940).

22 Javan I. King, "A Survey of Pupil Transportation in Lorain County, Ohio, 1 39-40," (unpublished Master's thesis, Ohio State University, 1940), 172 pp.

23 Jesse Petty, "Pupil Transportation in Monroe County, Ohio," (unpublished Master's thesis, Ohio State University, 1940) 84 pp.

24 Donald R. Lash, "A Study of the School Bus Safety Situation," (unpublished Master's thesis, Indiana University, 1940), 126 pp.

25 Wilbur W. Molsberry, "Transportation Accounting in Certain Consolidated Schools in Southwestern Iowa," (unpublished Master's thesis, Iowa State College of Agriculture and Mechanic Arts, 1939), 83 pp.

26 George W. Stevenson, "A Case Study of School Transportation in Twelve Wisconsin School Districts," (unpublished Master's thesis, Iowa University, 1940).

Kansas. Cox²⁷ found a trend in Texas toward district owned buses, larger and safer buses, more frequent and rigid inspection of transportation equipment, adoption and use of modern accurate records and reports, and improvement of methods for administering state-aid for pupil transportation.

A study by Michael concerning Pupil Transportation in Kansas²⁸ discusses the historical development of three methods of pupil transportation including compensation to parents, district owned, and privately-owned buses; administration consisting of expense accounting, the driver, insurance, and service management; safety measures, state aid and road improvement; and proposed legislation concerning the extension of the Barnes Law to all counties.

27 William C. Cox, "Pupil Transportation in the United States," (unpublished Master's thesis, Southern Methodist University, 1939).

28 Edgar W. Michael, "Pupil Transportation in Kansas", (unpublished Master's thesis, University of Wichita, 1939), 115 pp.

CHAPTER II

KANSAS LEGAL PROVISIONS FOR PUPIL TRANSPORTATION

This chapter is a study of the legal provisions for transportation in Kansas as found in the 1949 General Statutes of Kansas and the 1951 Supplement. These sources are the latest regulations of legislative acts for school pupil transportation which are now in force. The sections of the law studied are contained in Chapters 8, 72, and 74. Chapter 8 is entitled "Automobiles and Other Motor Vehicles" while the title of Chapter 72 is "Schools". In Chapter 74 only section 2010, "Vehicle Department; Transfer of Jurisdiction; Powers and Duties", and section 20a02, "Duties of Patrol", have any relationship to this study.

A study of the laws of 1949 revealed that the earliest reference to school transportation was an 1895 regulation which has since been repealed. Several of the laws have been repealed or amended throughout the years. Article 6 on "Transportation of Pupils" (72-601 to 72-630) shows that Sections 601 to 606 inclusive have been repealed or brought up to date by more recent legislation.

Licensing of drivers. Regulations under the Kansas laws governing school bus drivers begin with statute 8-234 in which the word driver is defined as "every person who

drivers or is in physical control of the vehicle".¹

In order to operate a school bus, a special chauffeur's license is required.² The attorney general ruled on September 7, 1950 that if a teacher meets the legal requirements, there are no restrictions prohibiting him from driving a bus³, and on September 23, 1948 he had declared that it is not contrary to law for a school board member to own a bus and transport children.⁴

The statutes define a special chauffeur as a person who is licensed to operate any public or common carrier of persons or property.⁵

Provision is made for securing the information needed to determine the fitness of an applicant for a license and stating further that no examination is required for anyone holding a valid special chauffeur' license. The law sets up the machinery for examination of applicants by the highway patrol.⁶

Twenty-one is the legal age for securing a special

1 General Statutes of Kansas, 194 , Section 8-234(i).

2 Ibid., Section 8-235(a).

3 See Attorney General opinion, Appendix A, p. 122.

4 Ibid., p. 121.

5 General Statutes of Kansas, 1949, Section 8-234(h).

6 Ibid., Section 8-235(b), (c), and (d).

chauffeur's license except that a restricted special chauffeur's license may be issued to a minor over sixteen years of age if he passes the examiners test and has been approved and recommended upon a written application signed by a majority of the school board.⁷

One year's driving experience and a good character certificate signed by three responsible people are required for a special chauffeur's license. Even then the vehicle department must be satisfied as to his competency and fitness to be so employed.⁸

Temporary drivers permits are authorized while the department investigates the right of the applicant to be licensed.⁹

An application for a special chauffeur's license must be accompanied by a fee of three dollars.¹⁰ The license is issued for two years and may be renewed without examination.¹¹

Every qualified applicant is issued a license¹² which must always be in possession of the driver when he is

7 Ibid., Section 8-238(a).

8 Ibid., Section 8-238(b).

9 Ibid., Section 8-239(b).

10 Ibid., Section 8-240.

11 Ibid., Section 8-247(b) and (c).

12 Ibid., Section 8-243.

operating a bus.¹³ The holder of a special chauffeur's license need not secure a license to drive any other vehicle.¹⁴ In the event of change of address or name, the motor vehicle department must be notified.¹⁵

Operation of buses. A school bus is defined as:

Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation, for the transportation of children to or from school.¹⁶

A 1937 statute transferred the powers and duties of governing school buses to the State Highway Commission¹⁷ which is to govern the design and operation of all vehicles used as school buses.¹⁸ Contracts shall be provided under which the driver operates the bus. Breach of contract will result in its cancellation.¹⁹

On October 21, 1949 the attorney general cited Section 8-579 and the regulations set up by the highway commission in regard to school bus marking in stating that illegally painted buses would constitute a breach of contract under

13 Ibid., Section 8-244.

14 Ibid., Section 8-235(b).

15 Ibid., Section 8-248.

16 Ibid., Section 8-234(d).

17 Ibid., Section 74-2010.

18 Ibid., Section 8-579.

19 Loc. cit.

which the school board would be authorized to cancel the contract.²⁰ The design and operation of vehicles used to transport pupils must conform to the established requirements, and be operated as required by the uniform act regulating highway traffic, and by the regulations of the state highway commission.²¹

School buses which have the name of the school district painted on the side need not be registered and are exempt from municipal motor-vehicle license fees.²² The act of registration includes the obtaining of license plates. Since registration is not required, there would be no law requiring the purchase of license plates for school buses.

The state vehicle department has published information for county treasurers, quoting section 8-128, then adding:

Therefore school buses owned and operated by a fully incorporated school district need not purchase registration; however, we suggest that they purchase title only so that they will have a certificate²³ of ownership when they wish to dispose of the vehicle.

The 1951 session of the legislature increased speed for school buses from thirty-five to forty-five miles an

20 See Attorney General opinion, Appendix A, p. 123.

21 General Statutes of Kansas, 1949, Section 72-628.

22 Ibid., Section 8-128.

23 Stratton, T. M., 1952 Manual for County Treasurers and Motor Vehicle Department, (Topeka, Kansas: Vehicle Department, State Highway Commission, 1952), p. 5.

hour²⁴, and at the same time required all traffic to stop when a school bus loads or unloads passengers, but only if "School Bus" is written in letters at least eight inches in height on both front and rear of the bus.²⁵ No change was made in the requirement that all buses shall stop at railroad crossings.²⁶

Bus Standards. Sections 8-580 to 8-590 of the 1949 General Statutes pertain to "every motor vehicle" in regard to: prohibiting use of any unsafe vehicle; requiring lighted lamps one-half hour after sunset and one-half hour before sunrise; requiring head lamps, rear lamps and reflectors, clearance, identification and side-marker lamps, lamps on parked vehicles, signal lamps and signal devices, and regulates the use of spot lamps and auxiliary driving lamps. The sections do not specifically use the words "school bus" but do apply since they include every motor vehicle. Several sections of this act are not applicable to transportation by bus, therefore they have been omitted.

The use of safety glass has become a common practice in automobiles and has been required on school buses since 1937. In 1949 the law was revised to include the types of

24 1951 Supplement, Section 8-532.

25 Ibid., Section 8-578(b).

26 General Statutes of Kansas, 1949, Section 8-566.

safety glass which are approved.²⁷

There are two closely parallel statutes which authorize the highway commission to adopt and enforce regulations to govern the design and operation of buses. The more extensive section provides for conforming with uniform traffic regulations,²⁸ and refers to the authority governing the regulations relative to school buses.²⁹ These two sections have previously been discussed under "Operation of Buses" as they also might be included in this classification.

Transporting pupils in certain districts and in certain cases. Certain districts or cities located in certain counties between 14,000 and 15,000 population may transport high school students of districts not maintaining a high school. Payment to parents who transport their own children may not exceed five cents per mile one way per pupil per day.³⁰

Certain cities of the second class in certain counties over 140,000 population have authority to transport grade and high school pupils in territory attached to the city, provide operators for the conveyances, and to establish rules and

27 Ibid., Section 8-5,107.

28 Ibid., Section 8-579.

29 Ibid., Section 72-628.

30 Ibid., Section 72-607.

regulations necessary to provide for this transportation.³¹

Certain common-school districts maintaining graded elementary schools employing from two to six teachers, and located in certain counties are authorized to transport their resident high school students to a city of the second class not more than fifteen miles from such elementary school district.³² The financial arrangements of this act are discussed under the section of "Financing."

The wording of the law under Section 72-611 needs careful consideration. This statute provides that the board of any school district, except in first class cities, located in counties between 40,000 and 50,000 population with less than forty million dollars valuation may provide transportation for students who live two or more miles from the school by the usually traveled road.³³ Under section 72-601 which has now been repealed, the Supreme Court of Kansas in the case of Purkeypyle v. School District ruled that the usually traveled road does not limit the distance to that traveled on a public road, but includes the distance from the residence of the family to the schoolhouse.³⁴

31 Ibid., Section 72-608.

32 Ibid., Section 72-609.

33 Ibid., Section 72-611.

34 State of Kansas, Kansas Reports, 127 K. 751, 753.

Buses in certain counties referred to in Section 72-611 cannot go more than half-way to another high school to transport high-school students, and all bus routes thus established must be approved by the county superintendent.³⁵ A high-school student under this act may attend the school of his choice but if he does not attend the one nearest his home, he must furnish his own transportation to the bus line of the school attended.³⁶

If rural high schools or community high schools do not furnish transportation for students who live more than two and one-half miles from the high school, remuneration may be made to persons furnishing such transportation at the rate of five cents per mile for two round trips per day regardless of the number of pupils transported.³⁷

Certain districts with community high schools in certain counties of between 20,000 and 27,000 are authorized to transport students of their own and other districts under certain conditions (if the distance the student is to travel is greater to the high school of his home district and is

35 General Statutes of Kansas, 1949, Section 72-612.

36 Ibid., Section 72-613.

37 Ibid., Section 72-625.

more than three miles).³⁸

Laws of general nature. Since it is necessary to make an exact interpretation of what is meant by the various terms, a section of law is used in the definitions of governing body, school district, provide or furnish transportation, and public school buses.³⁹ An elaboration is made on the term provide or furnish transportation to include the right of the school district to contract or hire the necessary buses.⁴⁰

The "basic law", passed in 1947, which provides for transportation in Kansas states that the school district may provide or furnish transportation to and from school for all or any of the district pupils.⁴¹ Any means of school transportation, such as buses and cars, may be used to transport pupils to school activities either within or without the boundaries of the school district. The title of the act says "to school and extracurricular activities" but the reference "to school" does not appear in the body of the statute. This section further states that the school assumes control and discipline of such students and shall

38 Ibid., Section 72-626.

39 Ibid., Section 72-614.

40 Loc. Cit.

41 Ibid., Section 72-615.

provide school officials or instructors.⁴²

In deciding the case of *Kitzel v. Atkenson*, the Kansas Supreme Court in June, 1952 stated that the driver is personally liable for his own negligence and that the parent of a student driving the car was not liable for negligence of the driver.⁴³

In the first of four Attorney General opinions which pertain to Section 72-618, the opinion refers to Section 72-610 which was repealed and the idea incorporated into the present section. It was declared on May 3, 1946 that a Ban Johnson Base Ball Club would not be eligible to use a school bus for its trips as the proposed function could not be interpreted a school activity, and therefore such use would be a violation of law.⁴⁴ The opinion of February 9, 1949 was to the effect that a senior class on an educational trip into several states by school bus would not be prohibited from crossing state lines, but must comply with the laws pertaining to the use of highways by buses in each state.⁴⁵ The same question had previously been raised under this

42 Ibid., Section 72-618.

43 State of Kansas, Advance Sheets of the Kansas Reports, No. 2, 173 K. 198. (Topeka, Kansas: State Printer, 1952).

44 See Attorney General opinion in Appendix A, p. 124.

45 See Attorney General opinion in Appendix A, p. 126.

section and a similar opinion handed down.⁴⁶ A similar case arose on July 29, 1949, but which also included the liability of teachers on such an excursion. It was the attorney general's opinion that a teacher under this circumstance would have only the liability of his personal negligence in case of an accident.⁴⁷

Transportation of pupils attending private or parochial schools may be accomplished in public school buses along the regular route of the public school bus.⁴⁸ Several sections of law including 72-619, 72-621, and 72-701 were considered in giving the attorney general opinion on February 6, 1950. In regard to the first section of law, the opinion was that the district which has been closed has no right or authority to pay the transportation mileage for any pupils who do not attend public schools.⁴⁹

The school board of one district is authorized to contract to transport and transport pupils of another district.⁵⁰ The attorney general was asked to rule on such a question on August 10, 1950. It was his opinion that one

46 See Attorney General opinion in Appendix A, p. 127.

47 See Attorney General opinion in Appendix A, p. 128.

48 General Statutes of Kansas, 1949, Section 72-619.

49 See Attorney General opinion in Appendix A, p. 129.

50 General Statutes of Kansas, 1949, Section 72-620.

district could not legally leave its own district and transport the pupils of another district to the home district in the absence of a contract. It was further stated that, if this was done illegally, the only way to prevent such action would be through the patrons of the district transporting the pupils.⁵¹ This would necessitate a complaint by a taxpayer that district funds were being spent improperly.

A common school district which does not maintain a high school is authorized to furnish or provide transportation for high school students to a high school in another district.⁵²

School district governing bodies are authorized to make rules and regulations necessary to carry out the intent and purpose of transportation as provided by law.⁵³ This law was section sixteen, Chapter 359, of the statutes passed by the 1947 legislature and would apply to the carrying out of the other fifteen sections.

The consideration of Sections 72-701 and 72-702 might be under this heading, "Laws of General Nature", or included under "Financing" as they apply in both cases. In the first of these, provision is made for the closing of a common school district and sending the pupils to school in another

51 See Attorney General opinion in Appendix A, p. 131.

52 General Statutes of Kansas, 1949, Section 72-623.

53 Ibid., Section 72-629.

district under agreement of the two boards. The sending district shall provide transportation or compensate parents.⁵⁴ In the case of *Woelk v. Consolidated School District*, the decision of the Supreme court was that the owner of land in a district could require that district to transport his children even though he lived outside the district.⁵⁵

In the case of *Schumaker v. School District* the decision was made that the board may provide transportation or allow compensation not in excess of that which would otherwise be paid legally.⁵⁶ Section 72-701 is referred to in an opinion dated February 6, 1950 and was mentioned previously.⁵⁷

Common-school students may be admitted to another school by agreement of the districts if the reason is "more convenient or reasonable distances". The sending district shall provide transportation as provided under Section 72-621 of the law.⁵⁸ Several Supreme Court cases have been decided under this section. In *School District v. Hill*, payment was made for the added expense of sending

54 Ibid., Section 72-701.

55 State of Kansas, Kansas Reports, 133 K. 346, 348.

56 Ibid., 137 K. 844, 846.

57 See Attorney General opinion in Appendix A, p. 123.

58 1951 Supplement, Section 72-702.

children to another school.⁵⁹ In *Evans v. School District*, the court stated that a person in a closed district was entitled to the privileges of school in an adjoining district where he owned land when it is more convenient by reason of distance.⁶⁰ In the opposite manner, the decision in *Richey v. School District* was that a parent is not entitled to compensation by his home district for the conveyance of his children to another district for more than three miles when the adjacent school was at a greater distance than the one in his home district.⁶¹ Supreme Court case 133 K. 346 which refers to Section 72-701 and Section 72-702 has been previously discussed under the former section.

Section 72-5334 to Section 72-5343 pertain to the special education of exceptional children, which means children under twenty-one years of age who are crippled, hard of hearing, have defective sight, an impediment of speech, heart disease, tuberculosis, cerebral palsy, or by reason of emotional and social maladjustment or intellectual inferiority or superiority do not profit from ordinary instruction methods, or are unable to attend the regular public school classes with normal children by reason of any physical

59 *State of Kansas, Kansas Reports*, 77 K. 786.

60 *Ibid.*, 81 K. 385, 387.

61 *Ibid.*, 128 K. 53, 55.

or mental defect. Transportation enters into the education of these children in 72-5337 which states that transportation may be furnished by the governing body of the district.⁶² The remainder of the law provides for the setting up of classes and carrying on the educational program; therefore, it is omitted as it is beyond the scope of this study.

Financing. All school districts are required to pay for transporting kindergarten or elementary pupils if the district does not provide transportation. Mileage payment shall be five cents per mile for two round trips daily irregardless of the number transported. In certain cases the county superintendent may increase the payment above five cents per mile.⁶³ The 1951 Supplement referred to the Supreme Court case *Kimminau v. Common School District* which stated that failure to secure obtainable transportation funds for its budget did not relieve the district of liability to pay for students being transported. According to the decision of the court, the cost of such transportation may be paid out of the general fund or special transportation fund of the school district.⁶⁴ An earlier Supreme Court case, *Hildebrand v. School District*, was governed by repealed

62 General Statutes of Kansas, 1949, Section 72-5337.

63 Ibid., Section 72-621.

64 State of Kansas, Kansas Reports, 170 K. 124, 125.

Statute 72-601 in interpreting the distance traveled, but the fact that a boy under fourteen years of age was the driver of the car for which compensation was asked, did not relieve the school district from paying compensation for the time the car was operated "in an unusual manner".⁶⁵

In order to determine the amount of compensation to which parents have been entitled, the attorney general has been asked on several occasions to give his opinion of "the usually traveled road". The opinions given on the dates of April 15, 1947, April 25, 1947, and October 4, 1948 all interpret "the usually traveled road"⁶⁶ The interpretation of this phrase has previously been stated.

Under the date of February 6, 1950, the attorney general stated in an opinion that payment for transportation of pupils under Section 72-701 limits the payment to those who are attending a public school.⁶⁷ On May 11, 1949, it was stated by the attorney general that under Section 72-621 a school board may furnish transportation or pay compensation in lieu of furnishing transportation, but it is not mandatory except where the pupil lives more than two and one-half miles from the school.⁶⁸

65 Ibid., 136 K. 311.

66 See Attorney General opinions in Appendix, pp. 133, 134, and 135.

67 Ibid., p. 129.

68 Ibid., p. 136.

Following Section 72-621, and referring to it, is the law which prohibits payment for transporting any pupil who resides within a city.⁶⁹ The intent of the legislature as expressed in the February 23, 1949 opinion of the attorney is that payment for transportation is limited to the actual necessary mileage not to exceed two round trips per day regardless of the number of pupils transported in one car on any one trip.⁷⁰

If the rural high schools or community high schools do not provide or furnish transportation, they may pay mileage of five cents per mile for two round trips per day for those living at least two and one-half miles from school.⁷¹

The source of funds to provide or furnish transportation or from which compensation can be legally paid are the school district general fund or special transportation fund.⁷² The supreme court case, *Kimminau v. Common School District*, which relates to this section, is also relevant to Section 72-621 and has been explained in connection with this section.

Any school district which is legally entitled to

69 General Statutes of Kansas, 1949, Section 72-622.

70 See Attorney General opinion in Appendix A, p. 133.

71 General Statutes of Kansas, 1949, Section 72-625.

72 Ibid., Section 72-627.

transport pupils may levy an annual two mill levy in excess of all other tax levies authorized. This levy is placed in the special transportation fund and can be used only to provide or furnish transportation or to pay compensation for the transporting of pupils.⁷³ Certain common-school districts are authorized annually to levy a tax of not to exceed three and one-half mills to provide or pay for the transportation of high school students.⁷⁴

State aid for transporting elementary school students is provided for by statute and is distributed by the state superintendent of public instruction under a formula set up by law. The amount of aid is computed by multiplying five dollars by the product obtained through multiplying the number of pupils legally transported by the number of months the elementary school is maintained.⁷⁵

Paying the cost of financing transportation is integrated into the several sections of statute, and as such could be classified under more than one section. The classification made in this chapter may not be considered perfect, but any attempt at such a classification would be an arbitrary one.

73 Ibid., Section 72-630.

74 Ibid., Section 72-609.

75 Ibid., Section 72-6, 105.

Regulations and the courts. The preceding fifty sections of law are all the known Kansas legislative acts now governing school bus transportation in the state. The state system of courts, in addition to the influence of the legislature, has influenced control over the school bus transportation systems through the interpretation of the statutes. An important part of the legal structure within which school districts provide conveyance for the students has been the opinions and decisions rendered by the courts. Many of the statutes have been discussed and interpreted by means of Supreme Court decisions and Attorney General opinions.

The 1947 Kansas Legislature repealed seven statutes concerned with school transportation. Three of these, 72-602, 72-603, and 72-610 were the source or prior law for the new act, 72-618. Section 72-604 was repealed in favor of a new law 72-616, 72-605 became 72-624 and the idea of 72-606 was incorporated into 72-619. 72-601 was repealed and no new law written.

A survey of Supreme Court cases⁷⁶ revealed there had been at least eighteen decisions rendered on 72-601, three on 72-602, four cases related to 72-603, two in regard to 72-604, and one on 72-606. This is a total of twenty-eight cases on those seven sections which have been repealed. For the rest

76 State of Kansas, Kansas Reports, Vols. 1 to 173.

of the general transportation laws only twelve cases were listed. These cases were discussed with the Kansas statutes to which they refer.

Attorney General opinions were obtained by a personal visit to the office of the State Superintendent of Public Instruction and to the Attorney General's office. These have been discussed in connection with the laws on which the opinions are based.

A number of opinions have been rendered in which transportation entered the discussion, but the opinion has been based on statutes other than those considered in this study. These opinions, which might be called miscellaneous, include liability insurance for school bus drivers, the legality of a bond issue to purchase a bus, the method of voting a transportation levy at an annual meeting, the use of money in the general fund for the payment of transportation, the holding of school on days when certain roads might be impassable, and an opinion of October 4, 1949 concerning several questions, one of which is the payment for transporting students to another school.

The part of the opinion dated January 12, 1950 as pertains to the speed of school buses would no longer be valid as the 1951 legislature changed the speed limit to forty-five miles an hour by Section 8-532. The interesting part of this opinion is that the speed restriction applies to school

buses when being operated for any purpose.⁷⁷

These opinions have been presented in Appendix A, pages 121 to 149.

A case study of transportation. The importance of school bus transportation became more significant to the investigator through his connection with the Holcomb Consolidated School. The use of school buses in this district aroused the interest of the reviewer to know more about transporting pupils. This section then is a brief study of the Holcomb Consolidated School transportation system which, at least indirectly, is responsible for this study. This case study is presented as an indication of the scope of pupil transportation in western Kansas.

The importance of bus transportation is indicated by Michael:

According to former State Superintendent Lorraine Wooster, one of the largest consolidations in the United States was established at Holcomb, Finney County, in the year 1919-20. The Holcomb building program consisted of a main school building that cost \$110,000; a home for the superintendent of schools; a modern thirteen room home for teachers; and bus garage with a capacity for fourteen buses.⁷⁸

Legal provision for transportation of children in a consolidated school district was established by the 1901 State Legislature by law 72-602, chapter 35, section 2.

77 See Attorney General opinion, Appendix A, p. 149.

78 Edgar W. Michael, "Pupil Transportation in Kansas", (unpublished Master's thesis, University of Wichita, 1939), p. 17.

This law authorized boards of directors of rural school districts to "provide transportation for pupils living two or more miles from the school."

The minutes of a directors meeting during the 1919-20 year stated that by May 27, 1920 the school had purchased "eight trucks" which were no doubt to be used for the transportation of students. This was the beginning of the history of pupil school bus transportation at Holcomb.

The first activity trips by bus were taken in October, 1926 to attend a symphony concert in Garden City, and in 1927 trips were taken to Cimarron for a track meet and to Hays for a judging contest.

One thousand dollars was the net cost of a new bus in March 1927; on June 7, 1939 the cost was \$1,799.65, and on September 6, 1939 it was \$1,639. On October 25, 1939 the directors declared an emergency in the school bus situation "which no longer meets the requirements of the State Vehicle Department" and voted to buy the necessary new buses.

The insurance premium on the school buses insuring them against loss by fire was fifty cents per \$100 of value when it was decided to protect them on June 21, 1938.

The present status of bus transportation is indicated by the fact that in 1951-52 nine buses carrying from nine to forty-eight students were in operation at Holcomb with an annual average of transporting more than 300 pupils, or about

90 per cent of the school's total enrollment. Another bus was kept as a "spare" to be used whenever needed. Bus routes vary from twelve to forty-seven miles a round trip with the average at twenty-two miles.

Fire and wind insurance on the buses was valued at \$16,600. The liability of the bus drivers is also covered by insurance.

The forty-eight by sixty foot one-story brick building which houses the buses is also used as a repair shop by the bus mechanic who is a full time employee. His job is to keep the buses in good repair and to "service" them. If any bus is as much as thirty minutes overdue according to schedule, investigation is begun to locate the bus and render any assistance needed.

Eight of the nine bus drivers during the 1951-52 year were teachers. The other driver was a high school boy. High school student drivers frequently have been hired and generally the situation has been successful as the student drivers have been carefully selected and are conscientious, capable individuals. Drivers of high school age are used solely because there are no adults available as drivers. The present rate of pay for regular drivers is thirty-five dollars for those driving thirty miles or more a day and thirty dollars a month for those driving less than thirty miles a day.

The cost of bus transportation at Holcomb in the eight years ending June 30, 1949 more than doubled with the approximate costs of \$4,000 in 1941-42 and \$10,000 in 1948-49. The cost for an earlier period was studied by Edgar W. Michael who found the total operation including salary of drivers for 1937-38 was \$3,456.51⁷⁹ for transporting 354 pupils with 2.8 per cent of the total school expenditures in Finney County, rather than just in the Holcomb district, going for transportation.⁸⁰

Dr. C. E. Rarick in 1929 concluded a seven-year study of transportation in twenty-five schools in western Kansas and found that "compared to other school costs, transportation costs are not excessive".⁸¹ The systems studied by Rarick were operating with very little loss of time, approximately three days for unfavorable roads or weather, out of a school of 180 days, at an annual average cost of 25.2 cents per child per day, or 13.2 cents per mile, or six mills per child-mile.

Reports to the county superintendent of schools of Finney County show that for the school year 1950-51, the

79 Edgar W. Michael, Ibid., p. 68.

80 Ibid., p. 40.

81 Clarence E. Rarick, "A Study of Transportation Costs in the Schools of Western Kansas", (Kansas State Teacher's College of Hays, Bulletin, Vol. 19, Topeka; State Printer, 1929), p. 24.

Holcomb school carried 204 pupils qualified to receive state aid for transportation and in 1951-52 this figure was 199. The amount of money received from the State School Finance Fund is determined by a formula worked out by the state. This amount received by the Holcomb school for transportation state aid in 1950-51 approximated \$4,226 while the figure for 1951-52 was approximately \$2,990.⁸²

The safety record of the Holcomb school buses is good. There have been no fatalities, and very few accidents. The most serious accident in the thirty-year history occurred in March, 1950 when one bus struck the back end of another bus. Seven students were injured slightly and one received hospitalization.

The Holcomb school system has received not only state-wide but national recognition at various times because of its school program. One of the latest honors was to be selected in 1950 as a rural consolidated school to be studied and reported in a bulletin as one of a series of studies of the types of schools in Kansas. It was the sixth survey made by F. D. Farrell of Kansas State College who summarizes his section on school transportation with this observation:

In view of its dependability, its safety, and its low

⁸² Figures obtained from the office of Finney County Superintendent of Schools, July 7, 1952.

cost, the use of school buses appears to be the most practical method of providing pupil transportation in a consolidated school district as large as the Holcomb district. All the Holcomb school patrons and school officials consulted on the subject expressed agreement in favoring the bus transportation method.⁸³

83 F. D. Farrell, Kansas Rural Institutions: VI. Holcomb Consolidated School, (Manhattan: Kansas State College of Agriculture and Applied Science, August, 1950), p. 27.

CHAPTER III

COMPARISON OF KANSAS LAWS WITH SELECTED STATES

In order to compare the statutory provisions relating to pupil transportation in the selected states with those of Kansas, the statutes of Nebraska, Iowa, Missouri, Oklahoma, Colorado, and Montana were studied. These states were selected because four of the states border Kansas and their problems would be closely related. Iowa represents a smaller state in the same region with a more concentrated population while Montana covers a larger area in which the population is more sparsely settled.

This chapter is a comparison of the legal provisions for transportation in Kansas with the laws of the selected states. The second section is a comparison of the agencies of regulation as reported by the several states.

Provisions in the selected states. Since safety is of first concern in the transportation of students, there have been a number of minimum safety standards prescribed in most of the selected states in the interest of providing needed safeguards for transporting pupils.

A report on the study of the state laws for several states is rendered difficult by the different classifications and organizations used for the sections of the various laws of the several states. There is also a wide difference

of opinion on what should be law as indicated in the legal provisions of Kansas or Iowa as contrasted, for example, with Nebraska. Nebraska has but a meager legal coverage of the transportation field while several states including Kansas, Oklahoma, Montana, and Missouri, seem to have hit a happy medium by using statutory power supplemented by regulations of a supervisory agency to handle the situation. On the other hand, Iowa has covered the many phases of transporting pupils by many more legal provisions, and provided for minimum regulations by any agency.

Indicated in several places throughout the pages of this investigation are references to some materials supplied by the several selected state departments of education. Other materials governing the various phases of transportation by rules and regulations rather than law have not appeared. Among these are the bulletins governing transportation by the regulatory agency. Some form of information on this topic was received from six states; only Nebraska was not included.

As a result of this study the researcher has become more aware of the relative position of the selected states in the attempt to provide an adequate transportation system, and also of the efforts to improve their positions as indicated by the activity of the states in school district reorganization. Among the states reporting formal reorganization were Iowa,

Missouri, Montana, and Oklahoma. With the exception of Missouri, these same states have engaged in programs to reduce the number of districts.¹

Enactments by the legislatures constitute a recognition of the fact that school transportation is big business. Of the states studied, all except Nebraska have extensive statutes in the field of school transportation. The right to transport pupils is authorized in all seven states.

The basic Kansas law which provided that pupils may be transported is 72-615 while 72-621 sets the minimum transported distance to those living two and one-half miles from school. In special cases the distance is either two miles or three miles and it is left to the discretion of the board whether or not to transport those closer than the legal limit.

The Iowa School Transportation Code is set up by legislative action under Section 235.² Their first regulation provides that the board of directors in every school district shall provide transportation or the costs thereof for all public school pupils from kindergarten through grade twelve who reside more than one mile from the designated school,

¹ R. E. Wochner, "School District Reorganization Activity in the United States," American School Board Journal, 117: 25-6, September, 1948.

² State of Iowa, "Laws Covering Transportation Including Sections as Amended or Added by 53rd General Assembly", (Des Moines, Iowa: Division of Transportation, State Department of Public Instruction, [n. d.]). 20 pp.

except that elementary pupils who reside in cities must live more than two miles from the school. Pupils in a district which does not have a central operating school and are more than two miles from the operating school in another district, are entitled to transportation. Those living closer than two miles may be transported at the discretion of the board. High school pupils must live more than three miles from the high school designated for attendance if they are in a district containing a city of 20,000 population or over. The board may lessen this distance to two miles for those within the city.

The Oklahoma Laws³ of 1949 in Article IX, "Transportation", include Sections 135 to 154 but do not include a motor vehicle code which in this state is referred to as the "rules of the road". The law provides transportation for pupils more than one and one-half miles from school. The transportation is approved by the state board of education. Oklahoma authorizes common school districts with forty square miles and maintaining only one school to transport pupils; also any common school district now maintaining more than one school, if it will maintain but one school. The latest session of the legislature in Oklahoma passed a law that transportation may be provided any public elementary or

³ State of Oklahoma, School Laws of Oklahoma 1949, (Oklahoma City, Oklahoma: State Department of Public Instruction, 1949). 183 pp.

high school student when it is necessary (1) to provide adequate educational facilities and opportunities which otherwise would not be available, (2) to transport children whose homes are more than a reasonable walking distance as defined by regulations of the state board of education from the school attended by the child. The state board of education determines and fixes definite boundaries of the area in which each school district may provide transportation. They are authorized to establish definite routes in each transportation area.

The laws of Montana⁴ allow the transporting of pupils who live three or more miles from a public school and for the payment to the parent for transportation or the paying of rent or board or providing supervised correspondence study of supervised home study to relieve the school board of actually transporting such pupils. The state permits the board of trustees to either contract or own and operate their own buses.

The operation of school buses in all school districts of the state of Colorado is governed by laws in Chapter 146 of the 1935 Colorado Statutes Annotated.⁵ A summary of the

⁴ State of Montana, School Laws of the State of Montana, 1949. (Great Falls, Montana: State Department of Public Instruction, Tribune Printing and Supply Company, 1949). 289 pp.

⁵ State of Colorado, School Bus Regulations, (Denver, Colorado: Colorado State Board of Education, 1952), p.3.

law has been made by the office of the state superintendent of public instruction and which gives a practical, working summary of the Act as it relates to the operation and use of school buses, setting forth in full or in substance the statutes, and the regulations that are based on these statutes.

The board of education in any except third class districts may furnish transportation to and from any school building to such pupils as shall "in the opinion of the board of education or high school committee or high school board may require such transportation", and may determine the route and also points at which pupils will be received and delivered. In school districts of the third class, the board of directors duly authorized by a majority vote of the qualified electors voting at general or special election shall transport pupils to and from school.⁶

The Nebraska laws are not coded in such a manner as to permit ready reference to the area of school transportation. The index and table of contents fail to reveal any basic provision for providing transportation which would indicate that such provision has been included as part of another section and has not clearly been set aside as a separate

⁶ State of Colorado, Colorado Statutes Annotated 1935, (Chapter 146, Sections 114 and 115.)

section of law.

Two letters written to the Nebraska state department of education produced only sections of law dealing with drivers and inspection of buses. Investigation of the Nebraska Statutes⁷ failed to reveal the desired information.

The Missouri law indexes their transportation laws under "Board of Education, City, Town, Consolidated Districts" as well as under "Pupils, Transportation" and also under "Transportation".⁸

Legal provision to provide transportation is given to the district board of education in Missouri. The patrons of a district may require transportation to be provided by a vote of two-thirds of the taxpayers present at a special or annual meeting. Free transportation will then be allowed for those living more than one-half mile from the schoolhouse. This service is rendered to both public and non-profit private schools. In any district where there are eight negroes of school age, it is required that a separate free school be established and maintained for the colored children, or that transportation be furnished for them to the nearest district

⁷ State of Nebraska, Revised Statutes of Nebraska 1943, 1951 Cumulative Supplement, (Lincoln, Nebraska; State of Nebraska, 1951). 2019 pp.; and Revised Statutes of Nebraska, Vol. 5, Chapters 77-89, Reissue of 1950, (Lincoln, Nebraska; State of Nebraska, 1950)

⁸ State of Missouri, Missouri School Laws, Publication No. 10, (Jefferson City, Missouri: State Board of Education, Mid-State Printing Company, 1947). 322 pp.

where there is a school for colored children.

Licensing of drivers. The Missouri School Laws of 1947 failed to list any requirements for licensing drivers while the state of Iowa requires drivers to be sixteen years of age, and must obtain an official school bus driver's permit from the State Department of Public Instruction. The Colorado Statutes state that a school bus driver must be seventeen years of age or over, which is one year older than Kansas and Iowa laws require. In Montana the bus driver must obtain a certificate from the board of trustees of the school district certifying an age of twenty-one, good moral character, and competency in driving. Oklahoma is the only state in which only "an adult" shall be employed as a bus driver unless the applicant is endorsed by at least five patrons. Missouri and Nebraska prescribe eighteen years as a minimum.

Most states have rules or regulations concerning character and physical fitness of all school bus drivers, but Iowa requires by law an annual physical examination and personal and moral fitness.

Missouri and Kansas require previous driving experience for its drivers. The other five selected states, from available material, list no law concerning this provision but are governed by the regulatory agency.

Operation of buses. Generally in the selected states, the motor vehicle code regulates stopping a bus on the highway and prohibits traffic passing while the stop arm is extended. Iowa, Nebraska, and Montana, along with Kansas, require approaching vehicles to stop when a bus is loading or unloading youngsters on the highway. In Colorado, the approaching vehicle may pass the bus, not exceeding ten miles per hour. Nothing was found regarding this section in Oklahoma and Missouri. The provision for loading and unloading as far to the right side of the road as is possible is accomplished in all states either through law or regulation, but only the Colorado law suggests that minimum visibility for a stop to receive or discharge passengers should be 200 feet. The Iowa law recommends that bus routes be so planned that visibility is 300 feet.

Vehicles used as buses in Oklahoma are not required to come nearer than one mile from the home of any child, nor traverse any bad roads. All rules of the road and traffic regulations shall be observed. Routes are established by the state board of education. The state board must approve all "additional" transportation, meaning trips other than from home to school and return. The expense of such trips is to be paid by the children, activity, or organization receiving the benefit.

The Iowa law allows a board member to transport

children only in unusual cases, but no other law makes such a special requirement. An attorney general opinion in Kansas states that no law prohibits school board members from owning a bus and transporting pupils.⁹

An indication of the comprehensive extent of the Iowa law is shown by the fact that the law states the board may suspend transportation service due to weather.

The 1951 Kansas law which increased the legal speed limit for school buses from thirty-five to forty-five miles per hour gives Kansas the highest speed limit of the selected states. In Oklahoma the speed limit is twenty-five miles per hour, and in Colorado the restriction is thirty miles per hour. In Montana, the driver must observe the "basic rule" which is the foundation of Montana speed law. This means the driver is to keep his bus under control at all times by driving at speeds which make it possible to drive safely. He must not drive faster than is "reasonable and prudent." The Iowa state law requires that no motor vehicle in use as a school bus shall be operated at a speed in excess of thirty-five miles per hour. The materials at hand failed to give any speed law for Nebraska and Missouri. This would indicate either that the law is listed under the motor vehicle code of these states or governed by the agency of regulation.

⁹ See Attorney General opinion in Appendix A, p. 121.

Missouri and Nebraska are the only states which do not require school buses to stop at railroad crossings under the sections of school transportation laws; however, such laws could be listed under the vehicle code of these states. Only the Montana laws specifically state that buses must stop at electric car lines.

A bus registration certificate is not necessary in Kansas nor Missouri. The information received from the other states did not include information concerning their provision which would indicate it would be included under the vehicle code of the several states.

Bus standards. Concern over the injuries caused by broken glass in cases of accidents has led to the almost universal use of safety glass. All the states considered in this study provide for this added safety feature. Colorado, Iowa, Missouri, Nebraska and Oklahoma all require safety glass in their buses, specifically, or in all motor vehicles as does Kansas. Montana, in its school bus rules and regulations, states that all glass shall be of safety glass.

The Oklahoma law says all transportation equipment shall be of such construction as to provide safe, comfortable, and economical transportation of passengers. The construction, operation, and maintenance of all such equipment shall be in accordance with all requirements of law and rules and

regulations of the state board of education. Similarly in the state of Colorado it is unlawful to operate a school bus which is in unsafe condition so as to endanger any person, or which is not equipped as provided by law. The statutes regulate the use of safety glass, adequate brakes, lettering on bus and seating capacity, according to the laws provided by the state department of education. Missouri school bus equipment is not regulated by statute, but by the commissioner of education or his representative.

Another provision for making bus travel safer is the inspection of buses. The Nebraska Safety Patrol is charged with the inspection of all school buses at least twice during the year. Inspection shall be made in the county seat in each county as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition bearing upon the safety of each bus. Enforcement of the safety features of the statutes is the duty of the county sheriff and other police officials. This inspection no doubt does much to improve bus standards in Nebraska and make transportation for their children safer in many respects.

The Iowa law provides for the inspection of all vehicles provided under private contract, and they must be approved and certified before being put into operation. All structural parts of the school bus body shall be all steel

or other metal equivalent to all steel. Suitable insulation material is required also. Among the states studied, the statement giving the greatest safety to pupils being transported is another Iowa law stating that the bus body shall be of sufficient strength to support the entire weight of a fully loaded bus on its top or side if overturned. Other legal provisions for minimum bus standards for the state of Iowa include the exclusive use of National School Bus Chrome, arrangement of comfortable seats, entrance and emergency doors, windows and roof ventilators, heater, fuel tank, bumpers, lettering on bus, stop signal arm, four flashing stop warning signal lights, and lettering on private cars.

No provision was made in the Iowa laws for adoption of the National Minimum School Bus Standards but the foregoing regulations are closely related to these standards.

The Kansas agency of regulation, rather than statutes, governs the construction and maintenance of equipment. The National Conference on School Bus Standards in 1948 reported Kansas had adopted the national standards on all but four items. On three of these items Kansas met or exceeded the national standard but did vary from it slightly. The fourth item in which Kansas did not meet the national standard was on the adoption of the stop arm signal. The Kansas legislature approved this standard by making it a law in 1951.

Special laws regarding transportation. The only state to provide room, board, rent, or supervised study by law, in lieu of transportation, is Montana.

Oklahoma statutes provide for the needs of "special" school districts as is done in Kansas by the use of the word "certain" districts or cases. Missouri requires that colored children shall be transported, or shall be paid for being transported, to the nearest school for colored students if there is none available in their home district.

School bus gasoline is exempt from state taxes in Oklahoma. Tax exemption in Iowa includes fuel, equipment, and other economies (not named). It would seem to the investigator that Kansas public schools should receive this same consideration from the legislature or regulatory agency.

In Missouri provisions are made for transportation and education of defectives who in Kansas would be exceptional children. Montana permits a levy for the education of crippled children. The board of education in Nebraska has several choices of the manner in which handicapped children shall be educated. One method is to provide transportation to the school for those who are able to take care of themselves in the regular school, if transportation is provided.

Nebraska also provides that upon the registration of motor vehicles engaged in the transportation for hire of school children and school teachers to school activities and school functions away from school, the conditions and fees

for such registration shall be fixed by the Department of Roads and Irrigation and such fees shall be determined by the same rate as paid by commercial trucks.

The wording of the Missouri law which states that districts combine "for school purposes" and provide transportation, places greater responsibility with the school boards and also the patrons of the districts in such cases. State supervision is more direct in Missouri with the provision that the state board of education may require the district to transport pupils to another district when the average daily attendance falls below fifteen students. An elementary school must be maintained within three and one-half miles of every child except in consolidated areas. When the average daily attendance falls below ten for any month, however, the board may close the school and provide transportation to another district. An Iowa statute permits a district to transport non-resident pupils and collect a pro-rata cost from the parents. Transportation costs due a district but not paid are permitted to be paid by the county treasurer from the deposits of one district to the other district.

Laws of general nature. In Missouri, the local board of education is authorized, with fewer than twenty-five children, to pay the cost of transporting pupils to other districts. High school students in certain districts may be

transported under these circumstances. By vote, the district may provide transportation for all those living more than one-half mile, including the taking of high school students to other districts. Pupils attending a non-profit private school may be transported and reimbursed by the state.

The county superintendent of schools shall act as transportation supervisor of common school districts and inspect the buses in Missouri. In Iowa the state superintendent supervises all transportation with authorization given him to appoint a director of transportation. The law states the specific powers and duties of the state Department of education. The establishment of routes shall be approved by the state department of education. The school board shall have a state provided contract with private carriers which includes the carrying of liability insurance by the contractor. In case the contractor wishes to be released from his obligation, the board has the right to buy his equipment.

Iowa elementary and high schools in closed districts may provide transportation to another district which is the same as the Montana statute.

Iowa peace officers and the highway patrol shall enforce the regulations. Similar regulations are found in Kansas and Colorado.

No child shall be required to ride a bus in Montana for more than one hour per trip without the parents per-

mission. The laws also require the state board of education, upon advice of the state highway patrol and the state department of public instruction, to adopt rules and regulations for the safe operation of school buses and minimum standards for vehicles used as school buses.

In the similar Colorado law the penalty for failure to comply with any regulations is to have a hearing by the local board of education, and if the person operating a school bus is found guilty of having failed to comply with any regulation, he shall be guilty of breach of contract, and the contract cancelled. Kansas is the only other state in which this provision was found.

Financing. Oklahoma school boards may purchase liability insurance to protect the driver; in Montana it must be carried. The same requirement is covered by statute in Iowa and Colorado. The Kansas Highway Commission recommends:

Individuals operating their own school buses or automobiles should provide adequate liability and property damage insurance. All school districts should seriously consider providing liability and property damage insurance covering all school transportation equipment.¹⁰

According to the Kansas Attorney General's opinion of October 27, 1950, neither school districts nor the operator of a school bus are required to carry liability insurance, and that the use of school district money to purchase

¹⁰ State Highway Commission of Kansas, The Rules and Regulations Governing School Pupil Transportation in Kansas, (Topeka, Kansas: Traffic Department, State Highway Commission, State Printer, 1951), p. 6.

liability insurance would probably be an unlawful expenditure of public funds.¹¹

The Iowa insurance law is a good example of the present-day thinking of those who desire protection against damage suits resulting from an accident:

The local boards may purchase liability insurance or other coverage as deemed necessary to protect the driver or any authorized employer from liability incurred by said driver or employer as a result of operating the bus and for damages or accident resulting in injury or death to the pupils or employee being legally transported.

Insurance Required. By regulation, the board of education is required to carry insurance on all school owned buses and to see that insurance is carried by all contractors engaged in transporting pupils. Fire, Theft, Windstorm, Comprehensive insurance should be carried on each bus.

Collision insurance is not recommended and cannot be charged to cost of transportation.¹²

Sections of the Nebraska law beginning with 79-436 through 79-493 are listed under the title of "Transportation of Pupils". These sections make provisions for the transporting of pupils in a closed school to a neighboring district under contract. The driver who transports the pupils assumes all liability for negligence, therefore, he shall furnish a liability policy of not less than fifty thousand dollars to cover bodily injuries, and ten thousand dollars to cover property damage, the premium on which shall be

¹¹ See Attorney General opinion in Appendix A, p.142.

¹² State of Iowa, The School Bus Driver, TR-B-2R-502, (Des Moines, Iowa: Department of Public Instruction, State of Iowa, [n. d.]), p. 17.

paid out of the school district treasury. School districts and boards, as governmental agencies cannot be sued for damages.

The Oklahoma state board must approve all bus purchases by requiring an accounting of price paid and specific standards of the bus. State aid is withheld if these specifications do not meet the state requirements.

The Oklahoma law is in direct contrast to the Kansas statutes, according to Rosenfield, who reports that in Oklahoma:

Schools authorized to transport are allowed an indebtedness of five per cent of the valuation of taxable property to buy transportation equipment, and to issue ten year bonds for the same.¹³

The Attorney General of Kansas on May 11, 1950 rendered an opinion in which he stated:

I can find no statute which would authorize a bond issue for purchasing a school bus. All bond statutes which I can find provide for the building of school buildings.¹⁴

There is, however, Section 72-630 which authorizes a special two mill levy on all tangible taxable property in the district to be used for transportation and which may be in excess of all tax levies authorized or limited by law.

¹³ Harry N. Rosenfield, "New School Bus Laws", The Nation's Schools, 36: 31-2, September, 1945.

¹⁴ See Attorney General opinion in Appendix A, p. 143.

A special levy of ten mills for transportation is permissible in Montana.

The Oklahoma "Special Transportation Revolving Fund" was created to be used for the purchase of transportation equipment to be rented by school districts on an annual basis from the state board of education through the director of finance. At the end of a year the district, if it wishes, may purchase the bus. If the district rents the bus for thirty months consecutively, the district then gets title to the equipment as they will have paid the price of a new bus. In Iowa districts can pay for buses on a yearly installment plan over a period of five years at four per cent interest.

Payments to parents for transporting their children were the concern of five states. In isolated cases in Montana, where it more economical and desirable to close one school and provide transportation to another or to board children in private homes or dormitories, the state schedule of payments to parents for transportation may be altered by the county superintendent, with the approval of the state superintendent; provided, however, that there must be a maximum of \$25 per month per child, \$10 for the second child, and \$5 for every child over two in the same family. The Iowa law provides payment to parents for transporting pupils by beginning at the roadway and not at the home of the pupil as interpreted by attorney general opinion in Kansas. Measurement of the

distance begins one rod from the home in Montana. Iowa parents may be reimbursed at the rate of twenty-eight cents per mile per day, irrespective of the number of children transported. Reimbursement is not required for pupils who travel less than three-fourths of a mile to meet the bus. For high school pupils, reimbursement is \$40 per pupil per year with a maximum of \$80 per year per family. Payment to pupils who travel by public carrier is authorized not to exceed \$40 per pupil per year. Under certain conditions parents may be required to transport their children up to two miles to connect with the bus, reimbursement to be twenty-eight cents per mile per day per family one way. In Nebraska when no other means of free transportation is provided, payment may be made to parents at the rate of ten cents per half-mile for all travel in excess of three miles. The payment for a child who must attend another district is the same, but the distance is measured from the school house in the home district. All claims for transportation allowance shall be filed monthly. If a child is eligible for transportation payment in excess of three miles, he will be paid that amount even though for convenience sake he is living nearer the school with relatives or friends. Nebraska regulates not only those who may be transported, but eliminates payment for any non-resident student by stating that no one in the district is authorized

to transport for pay, reimburse said student, or expend public money to pay room, house rent, or board for any non-resident high school pupil. Nothing was found in the school laws of Oklahoma or the statutory regulations of Colorado provided by the department of education from these two states pertaining to the payment of parents for transporting pupils.

An important type of payment which encourages districts to provide transportation is state aid. State aid in Missouri is provided to the extent of three dollars per child per month for all those living two miles or more. A formula is used in Iowa with a maximum of eighteen dollars per pupil per year. The Montana law allowance is one-third of the schedule allowed for transportation. In Colorado part of the aggregate attendance and census funds may be used, while in Nebraska parts of some small funds might be used. In Oklahoma the range is from \$13 to \$54 per pupil with assistance given for the purchase of new buses, while in Kansas, \$5 per month per elementary pupil more than three miles from school is authorized. In all selected states except Colorado and Nebraska, there are one or more general-purpose appropriations for schools, part of which may be used for transportation, while these two states make no specific grant. Participation of the selected states is presented in Table II.

All phases of public education frequently submit to an

TABLE II

STATE-AID PROVISIONS FOR PUPIL TRANSPORTATION IN SELECTED STATES, 1947-48¹

Kind of State-Aid Provided					Major Bases Used in Determining Need			
State	Gen- Purp- Fund	Part of Found. Prog.	Spec.- Purp. Equal- izing	Spec.- Purp. Flat Grant	Density of Transp. Pop.	Pct. of Expend- iture	Pct. of allow- able cost	Other Bases and Comments
Colorado	b							Part of aggregate attend. and census funds may be used.
Iowa	a			X			X	Not to exceed \$18 per pupil per year adjusted for road conditions and number of pupils transported.
Kansas	a	X					X	\$5 per month per elem. pupil more than 3 miles from school.
Missouri	a			X			X	\$3 per month per non-resident pupil transported.
Nebraska	b							Parts of some small funds might be used.
Oklahoma	a	X		X	X			Range is from \$13 to \$54 per pupil, also limited assistance for new buses.
Montana	a			X		X	X	One-third of allowan. of 25¢ to 50¢ pertrans-ported pupil per day.
Totals	34	22	2	22	8	11	17	

a State has one or more general-purpose appropriations for schools, part of which may be used for transportation.

b State makes no specific appropriation, allocation, or adjustment for transportation but part of general-purpose fund may be used.

¹ Adopted from The Council of State Governments, The Forty-Eight State School Systems (Chicago: The Council, 1949), pp. 220-21.

evaluation, and any program of pupil transportation is no exception. The people of a community concerned are going to pass judgment as to the effectiveness of public bus systems and of their value to society. Such evaluation will ordinarily be on the bases of safety, economy, comfort, and effectiveness.

It appears that among the many laws and regulations presented in this section will be found several which might be adopted by Kansas to improve standards of school transportation.

Agencies of regulation. There is a clear definition of authority and function of the regulating agency concerned with pupil transportation among the states studied. The State Highway Commission of Kansas is authorized by Statute 74-2010 to have jurisdiction over the vehicle department of the state, and thus is in charge of school bus transportation. The Traffic Department within the Commission has been delegated the administrative duties.

In Nebraska the State Department of Education is the agency of regulation but they have developed no code or specific regulations concerning school buses.

It is the State Board of Education, a part of the Department of Education, which administers the bus program in Oklahoma while Colorado divides the authority for regulation between the State Board of Education and

the Motor Vehicle Division.

The State of Missouri has delegated authority for school buses to the State Board of Education which, through the commissioner of education, appoints a member of the State Department of Education as the director of pupil transportation.

By law the Montana state board of education, on advice of the state highway patrol and state department of public instruction, is required to adopt rules and regulations for the safe operation of school buses and minimum standards for vehicles used as school buses.¹⁵

The Iowa law is worded differently, but states that the powers and duties of the state department of public instruction shall be to "exercise general supervision over the school transportation system in the state".¹⁶

In a study of all forty-eight states, the report stated that preference seems to favor the plan of legislatures confining themselves to general laws and delegating to one or more state agencies the authority of setting up and en-

¹⁵ State of Montana, "Montana School Bus Driver Manual", (Helena, Montana: State Superintendent of Public Instruction, 1949), p. 2.

¹⁶ State of Iowa, "The Transportation Program", TR-B-1-515, (Des Moines, Iowa: Division of Transportation, State Department of Public Instruction, [1949], p. 22.

forcing needed regulations.¹⁷

To summarize, it was found that in four states, Nebraska, Oklahoma, Missouri, and Iowa, jurisdiction was by the state department of education; in two others, it was shared by the state department and the Motor Vehicle Division as in Colorado, and the state department and the state highway patrol of Montana. Only in Kansas was no power given to the state department of education, the power is vested in the State Highway Commission.

¹⁷ National Education Association, "Safety in Pupil Transportation", Research Bulletin of the National Education Association, Vol. XIV, No. 5, (Washington, D. C.: Research Division of N. E. A., November, 1936, p. 237.

CHAPTER IV

ADEQUACY, IMPLICATION, AND THEORY

In smaller towns the school, next to the church, is usually the center of interest for the people of the area. The school, in this case, probably is the largest and most important industry, and the one in which most people have an interest as well as an investment.

It is through their interest in education that the people of the community have answered the question as to what kind of educational facilities and the type of education to provide by consolidation of schools to promote better educational opportunity for their children.

Figures show that in 1945-46 for all forty-eight states, Nebraska with two and two-tenths had the lowest percentage of total pupils being transported and ranked the highest in average cost per pupil with \$134.80.¹ The two and two-tenths per cent transported can be best explained by the desire of the people to provide transportation, and the statutory provisions for carrying on this program. Several factors influencing the high position of Nebraska in regard to average cost would include the size of districts, rate of

¹ Figures were obtained from The Council of State Governments, The Forty-Eight State School Systems, (Chicago: the Council, [c 1949], p. 10.

consolidation, the size of the bus which affects the number of pupils transported, ownership of the buses, and road conditions.

Colorado in 1947-48 spent more for contract service (\$675,125) than for supplies and expense (\$541,972) or salaries (\$373,523).²

The transportation at public expense of nearly one-fourth of all the students enrolled costs about thirty dollars per pupil transported for the nation as a whole each year.³

Since this phase of the educational system is a service agency, close supervision is necessary in order to see that it accomplished the purpose of fulfilling the educational needs of all those being transported, that it equalizes their opportunity for improved educational benefits, and that it does not impair or destroy the improved conditions provided by such transportation. Educational need, according to Burns, is the sum total of all factors affecting cost of a minimum program.⁴ The result of Burns' study led him to make the statement that state aid should be given up to a

2 Figures taken from Statistics of State School Systems, 1947-48, (Washington, D. C.: Federal Security Agency, U. S. Government Printing Office, 1950), p. 23.

3 Loc. cit.

4 Robert L. Burns, Measurement of the Need For Transporting Pupils, (New York: Bureau of Publications, Teachers College, Columbia University, 1927), p. 6.

standard for all local units, the remainder of the cost to be met by county support with transportation wholly on a county basis.

Principles of pupil transportation. The program of transporting pupils to and from school and on related trips under school supervision is a local problem but can be supervised on a state level by setting up standards as a guide for not only the rural, but also the city transportation program. Suggestions for this guide might include these principles:

1. Safety, economy, efficiency and comfort are the aims of pupil transportation. Although all of these are important, safety is a prime requisite.

2. Both cities and rural areas must be provided with bus systems to provide equal opportunities for all the children of all the people.

3. Physically and mentally handicapped pupils need special consideration in being transported.

4. The distance factor cannot be indiscriminately adhered to. Weather and road hazards tend to shorten the distance pupils are required to walk. The board of education must determine the minimum distance to provide transportation.

5. Transportation is an integral part of the educational system and must function in keeping with the best educational practices regarding economy and efficiency.

6. Schools are no longer confined within the four

walls of the classrooms, but through transportation bring their pupils new experiences in museums, factories, parks, farms, camping and recreation.⁵

7. School transportation is a service agency and should be available to all children who need it. In other words, transportation should be adequate. It should not be a door-to-door "taxi of convenience", however, and definite policies of adequacy need to be defined by the school board and understood by the public. School Administrators should strictly administer the adopted policy of adequacy, providing eligible service and denying ineligible service with equal dispatch.⁶

8. One hour is the maximum time that any student should be required to ride the bus each trip.

9. Bus drivers should be as carefully selected as are teachers.

10. National bus standards for the purpose of providing greater safety for the people transported as well as the motoring public should be developed.

11. The organization to provide standards regulating

5 American Association of School Administrators, School Boards in Action, Twenty-fourth yearbook, (Washington, D. C.: the Association, a department of the National Education Association, 1946), p. 168.

6 D. P. Culp, An Administrator's Handbook of School Transportation, Bulletin 1950, No. 4, State of Alabama, (Montgomery, Alabama: Department of Education, 1950), p. 8.

school bus operation must begin on a national level and move through the state, with perhaps an intermediate agency, such as the county, to a local level. This might be expressed as national organization, state supervision, and local administration.

12. Cost and depreciation of bus equipment are greater on unpaved roads.

13. Efficient maintenance reduces the operating cost.

Selected national authorities. The purpose of this part of the investigation was to present the adequacy, implication and theory of the laws regulating pupil transportation as indicated in the views of individuals and agencies. National authorities were selected who, because of their leadership in the field as indicated by their writings or the work accomplished in this field, had received nationwide recognition.

In order to get more specific information, an opinionnaire was later submitted to the selected authorities representing colleges and universities, besides national and state specialists in the field of school bus transportation.

The opinions of these leaders was desired on four areas. The letter to the transportation specialist in the United Office of Education included the same four questions sent to the other authorities assisting in the investigation with three more added to obtain information about the national

scope of school bus transportation. The questions in the letter to Featherston, the Office of Education bus system specialist asked:

1. How would you rate the adequacy of the state of Kansas regarding pupil transportation? It might help to know that the other states included in my study are Nebraska, Iowa, Missouri, Oklahoma, Colorado and Montana.
2. Have you specific suggestions as to provisions which should be incorporated into law to keep abreast of changing conditions, as well as revisions or additions to present regulations? That is, where do you feel present-day laws are not keeping up with automotive progress?
3. Should there be a state provided foundation program of aid to local districts for transporting students?
4. What agencies should be responsible for the regulation of transportation, that is, such as the State Department of Education, some board of regulations, or a commission of supervision? What should be the responsibility of the State Highway Commission, and especially the Safety Division and the Highway Patrol?
5. Are there any required reports from the states to the National Government or to the Office of Education and are these standardized forms?
6. What are the Office of Education procedures in the various states regarding their school bus transportation?

7. Is there information available as to what state agencies are responsible for administration of the school transportation systems?

Copies of the letters from Featherston and other selected authorities are included in Appendix C. Reproduction was made only of those individuals whose viewpoints would be of most interest to anyone studying pupil transportation problems.

In addition, a library survey was made for both books and current literature in the field of school bus transportation. Excerpts of unpublished and published material from authorities was surveyed, and has been included in the study.

Featherston states that "Standard set up by national school and safety leaders give specific guidance in the selection of school buses built for efficiency and safety". He indicates the need of further study toward solving special transportation problems such as for physically handicapped, very small children especially in urban areas, and the development of standards for body types and sizes of buses with a variety of uses other than those normally considered.

Mr. Featherston further states that:

Very little has been done to standardize buses for special uses. . . . It is possible that no one type or style of bus would ever meet all of the needs for a bus to be used for this purpose, but it is probable that needs could be met by the use of not more than two

or three types of buses.⁸

In his July 11, 1952 letter to the investigator, Featherston points out the weaknesses of Kansas law. The first he names as the lack of funds to provide a transportation specialist in the state department of public instruction and the second is the failure to provide state aid for transporting high school students the same as is done with elementary pupils.⁹ The first of these weaknesses is discussed in the next part of this chapter under the heading of "Agencies".

The state aid provision, as suggested by Featherston, would appear worthy of note as "It would seem probable that transportation of secondary pupils is about as urgently needed in Kansas as is the transportation of elementary pupils".¹⁰

The remainder of the opinions expressed by the authorities are presented with respect to the distance factor in providing transportation, the responsibility of state and local officials concerned with school buses, school ownership of buses, and school bus drivers. Future trends in the field are indicated generally, and in Illinois specifically.

⁸ E. Glenn Featherston, "Selecting School Buses", The School Executive, 66:58-9, February, 1947.

⁹ See letter from E. Glenn Featherston in Appendix C, p. 159.

¹⁰ Loc. cit.

A study by Reavis shows the importance of transportation in removing the distance factor in attendance at rural schools in Maryland, and also the heavy burden of transportation on rural districts. His philosophy is expressed in this encouragement for the development of school bus use:

A state cannot place a school within a quarter of a mile of every house; but it can encourage free transportation by removing legal restrictions and supplying liberal grants of state aid for transportation.¹¹

Dorr Stack, who is the Chief, School Organization and Transportation of the Michigan Department of Public Instruction, believes there is a responsibility for both state and local officials which he has summarized in this manner:

State departments of education have the responsibility of performing many services directly affecting state transportation programs, such as recommending essential laws to the state legislature on such items as state aid, bus standards, driver qualifications, distances pupils shall walk, rate of school bus speed, and auxiliary use of the buses.

Other major services which state departments of education are expected to perform in connection with the state program are administration of state aid, assistance in planning bus routes, preparation of accounting forms, conducting schools for bus drivers, developing rules and regulations, interpreting state laws, interpreting state transportation laws, and coordinating the program with state departments of health and

¹¹ George H. Reavis, Factors Controlling Attendance In Rural Schools, Contributions to Education, No. 108, (New York: Bureau of Publications, Teachers College, Columbia University, 1920), p. 21.

safety.¹²

Even though it may be a state program the real success rests with the local school officials as they must attempt to adequately provide proper facilities within the limits of the budget in order to transport the number of pupils requiring this service.¹³

Clayton D. Hutchins, Assistant Director of Research for the National Education Association gives three reasons for school ownership of the bus fleet including a saving of about forty per cent in cost, safer operating condition of buses because more regular maintenance is provided, and greater control over the transportation system.¹⁴

Burton H. Belknap, Associate Supervisor of Rural Education, New York State Education Department states that the state education department, state motor control, or other suitable agency should develop a training program for all beginning bus drivers, certifying those who show proper skills and understanding. This certification should supplement whatever license requirements may prevail in the particular state.¹⁵

12 Loc. cit.

13 Clayton D. Hutchins, "School Ownership of Buses", The Nation's Schools, 36: 43-4, October, 1945.

14 Burton H. Belknap, "Recruiting and Training School Bus Personnel", The School Executive, 66: 51-3, February 1947.

Zimmerman advocates school ownership of buses and indicates the saving ranges up to thirty per cent while at the same time greater emphasis can be devoted to safety practices and driver training.¹⁵

Cooper indicates that he is of the opinion that the future trends in school transportation will include (1) the employment of a district supervisor of school transportation because of (2) increased ownership of buses, with (3) more emphasis placed on the bus driver training and (4) community planning of routes. There will be (5) district provided maintenance service with (6) an improvement in the use of preventive maintenance allowing more use of the bus for (7) bringing in community groups for adult education, and (8) more extensive use of buses for field study. Because of the safety record of school buses generally there will also be a (9) lowering of rates for insurance on buses.¹⁶

J. C. Mutch reports a rapid increase of pupil transportation in Illinois under school district reorganization, an anticipation of marked improvement in the condition of roads, and state aid provided to the extent of twenty dollars per pupil per year.¹⁷

15 David W. Zimmerman; "Cost of Pupil Transportation," The School Executive, 66: 63-4, February, 1947.

16 See letter from Shirley Cooper in Appendix C, p. 152.

17 See letter from J. C. Mutch in Appendix C, p. 155.

Robinson states that there is need for a careful check of the distance children are transported and suggests the setting up of smaller schools for children up to the junior high age. He advocates buses of varying capacity to provide for the needs of different routes, and high qualifications of moral conduct, use of good English, and community acceptability for bus drivers. He discourages the use of teachers or students as bus drivers but the full-time employment of the drivers by the district. Robinson warns against overloading of the bus in the interest of safety and good conduct, allowing competition of the districts in an effort to secure more pupils by means of transportation, and not protecting the individual from inclement weather by requiring him to walk a half-mile or more to wait for the bus. He suggests stops in front of the student's house or the use of private transportation to the bus stop in the fringe areas.¹⁸

Pellegrino expressed his opinion on the adequacy of the Kansas law, thus:

We feel that school bus transportation in Kansas is at a high degree of efficiency. The last legislature passed a new law requiring all traffic to stop when school children are loading or unloading from a school bus.

We might recommend that there be state inspectors for school buses so that all school buses in the state would be inspected, but at the present time the Highway Patrol is charged with this responsibility. It is

¹⁸ See letter from William McKinley Robinson in Appendix C, p. 156.

impossible for them to check all buses in the state each year.¹⁹

In order to obtain additional information for use in the study, a questionnaire was sent to the chief state school transportation officer of the selected states, asking:

1. What is the agency of regulation for school bus transportation, such as the State Department of Education, a certain Board of Regulation, or a State Commission such as the Highway Commission in Kansas.

2. What individual person is responsible for, or is the source of information on, school bus transportation in your state?

3. Since National School Bus Chrome is required on all buses, do you think this color should be reserved for school buses only? If so, how could this be accomplished?

4. Have there been any recent changes in the bus transportation laws of your state?

5. Would you care to express your personal opinion as to the adequacy of school transportation, or make suggestions as to how it should be improved?

By means of the letters received it was possible to determine the agency of regulation. This question has been discussed under that section.

Question number two was used in compiling the list of people in the various states who are responsible for school transportation in the selected states. This list is included Appendix D.

Question number three was received favorably as being a good idea by Kansas and Colorado. Missouri felt that

¹⁹ See letter from Harold Pellegrino in Appendix E, p. 164.

nation-wide use of National School Bus Chrome for buses would naturally tend to discourage its use by others. Nebraska failed to comment on the question.

On question number four, the Nebraska law is in direct opposition to the Kansas attorney general opinion which does not allow the use of school funds to purchase liability insurance. Since the Kansas law was quite clear on this point, question number four was changed in order to find out that the state of Kansas does not make any required reports to the national government or the state superintendent of public instruction.

Suggestions received as a result of question number five include providing better vehicles by means of bids secured through a state agency in an effort to save money, improving the condition of transportation in regard to cost and service through reorganization, and the hiring of drivers who, through training, can make bus travel a definite learning experience for the children.

Copies of the letters from Kansas, Nebraska, Missouri, and Colorado are included in Appendix A.

Agencies. Leadership for the development of school bus standards has been taken by the National Council of Chief State School Officers through representatives of the forty-eight state departments of education. In 1939 this group held a National Conference on School Bus Standards,

and as an outgrowth of this work, developed the criteria which have been adopted by three-fourths of the states either wholly or in part. This has resulted in closer cooperation with bus manufacturers who built their buses according to the standards.

The 1945 conference under the sponsorship of the National Commission on Safety Education revised and further developed the 1939 standards. Cooperative nationwide action was shown to be practicable and has led to a more uniform legal adoption and enforcement of the standards by the individual states.

The third conference was called at the request of President Roosevelt to provide a program of war-time transportation, and resulted in the 1945 edition of standards.

The last meeting, held in 1948, resulted in the development of an enlarged and revised list of minimum standards for School Bus transportation. In addition, a list of states which have adopted the national standards was compiled as well as a list of standards of those states deviating from the Chief State School Officer's recommendations. Both groups have pointed out the need of each state to secure the services of at least one person within the state department of education whose major responsibility will be in the field of transportation.

Kansas must be included in one-half of the states which do not furnish a specialist in transportation on the state

level. An unsuccessful attempt was made to establish a division of transportation as part of the organization under the State Superintendent of Public Instruction during the 1951 session of the legislature. An outline presented to the budgetary committee listed these "Reasons For A Division of Transportation in the Office of State Superintendent."²⁰

A. The Problem.

1. Formerly, comparatively few pupils were transported to school. Now, thousands are being taken in buses to school--both elementary school and high school pupils.
2. If the trend toward consolidation of schools continues, many more pupils will expect transportation.
3. The cost of transportation is a major item in the school budget.
4. Transportation of high school pupils is not required.

B. Kansas needs a Department of Transportation in the office of the State Superintendent.

1. Collect and distribute information.
 - (a) good practice in transportation.
 - (b) Records from different schools.
 - (c) Economical methods of securing equipment.
2. To train drivers.
 - (a) Schools for bus drivers should be held and standards for their training set up.
 - (b) Supervision of drivers and in-service institutes would increase safety and efficiency.
 - (c) To check on health of drivers.

²⁰ Ralph Stinson, "Reasons for a Division of Transportation in Office of State Superintendent", (a typewritten outline presented to writer in personal interview at Topeka, Kansas on July 6; 1951).

3. To educate the school staff.
 - (a) Pupils need training.
 - (b) Teachers should understand the transportation problem.
 - (c) School patrols would aid in efficient and safe transportation.

4. Legislature intended that pupils should attend high school in the school of their choice but this prevented because of limitations on transportation.

5. Department should approve bus routes.
 - (a) Overlapping of routes.
 - (b) Some routes too long.
 - (c) Too many pupils in bus.
 - (d) One instance of school buses from four schools picking up pupils on same mile of highway.

6. The cost of buses would be less if the State could cooperate with schools in their purchase.

7. Costs in Kansas for transportation of pupils is among the highest in the nation.
 - (a) Overlapping of routes.
 - (b) Contract transportation of pupils.
 - (c) Lack of information on part of school officials.
 - (d) Need plan for continued maintenance of equipment.
 - (e) If such a division could reduce the cost of transportation in Kansas, \$30,000 could be saved which would more than pay the cost of such a division.
 - (f) Example of district paying mileage of .540 for transporting one pupil to school.

C. Machinery already exists for the supervision of transportation.

1. School officials already look to the office of State Superintendent for leadership in school problems.

2. Schools now are supervised by the staff of State Superintendent. With the leadership of that office part of the supervision could be performed incidently.

D. The present standards for school buses were prepared by state departments of education of all the states.

E. A division of transportation in the State Department of Education now exists in nearly all of the 48 states.

A further development of this idea of a division of transportation has already been given in Agencies of Regulation, Chapter III.

One of the important items given consideration at the 1948 National Conference on School Bus Standards, was the adoption of a uniform nationwide standard governing flasher lights to help in the enforcement of the regulation stopping traffic while buses are loading and unloading. "It can save confusion to interstate motorists and reduce the cost of such equipment if adopted before widely varying practices have become established in the various states".²¹ However, it was not until the 1951 legislative session of Kansas that the law was passed to require the stopping of traffic for school bus loading or unloading, Section 8-578. In spite of the almost three year interim between these adoptions it indicates the trend toward standardization of state regulations. A model code of traffic laws covering school bus operation was drawn up for consideration by state legislatures. Purchasing of buses on a state-wide basis was advocated.

The chief State School officers have set up guiding

²¹ National Commission on Safety Education, Workbook for Use in National Conference on School Bus Standards, (Washington, D. C.: National Commission on Safety Education, 1948). Introduction.

principles which should through uniform state regulations (1) provide minimum standards, (2) eliminate the construction of unsafe buses, (3) eliminate conflicting standards between states where such conflicts increase the cost of production, and (4) specify exact spacial dimensions so far as this will further efficient volume production.²²

This same group has set up as objectives the safe and comfortable transportation of children in economical buses under state regulation, and gives these definitions of safety and economy:

Safety means the safe conduct of pupils to and from school under normal conditions, and in cases of emergency. It includes the time the pupil is on the bus, and the time consumed in entering or leaving the bus. It refers to both major and minor accidents and the prevention of accidents. It also refers to the health of the pupils as affected by bus construction.

Economy means the construction, operation and maintenance of school buses at the lowest possible cost of pupil transportation consistent with safety. Since schools serve and are responsible for the whole public they cannot foster luxurious transportation; neither can they afford to apportion an undue amount of the educational budget to an activity which in itself is not primarily educational but merely a means of making education available. Uniform state standards, therefore, should discourage unnecessary luxury.²³

This indicates the tendency is toward consolidation in order to provide central schools, larger areas with more buses operating under local control, and state supervision.

22 Ibid., Objectives and Guiding Principles.

23 Loc. cit.

Cyr points to the work done in North Carolina and Alabama in reducing the cost of insurance for the bus system through the responsibility assumed by the states.²⁴

Another saving which could materially reduce the cost of the transportation system is the adoption of the principle of state supervision in the wholesale, cooperative purchase of buses with the state acting as agent for the many school districts. Before this could be accomplished, there would need to be legal provision for at least one person on a state level with full time duties in a division of transportation.

Some material not directly concerned with this study is given here in the hope that it might be helpful to any school authorities on state, county, or local level in planning improvements in their own transportation system.

Illinois has set up administrative standards covering the various individuals connected with pupil transportation by designating the responsibilities to the Superintendent of Public Instruction, County Superintendent of Schools, the School Board, School Principal, Bus Driver, Parents, and the Pupils. For full particulars see "Pupil Transportation in Illinois".²⁵

24 Frank W. Cyr, and D. D. Darland, "Growth and Development of School Transportation", The School Executive, 66: 48-9, February, 1947.

25 "Pupil Transportation in Illinois", Circular 309E, (Springfield, Illinois: Illinois State Department of Public Instruction, June 1, 1947), pp. 5-9.

The Idaho law has only recently been revised with regulatory power given to the state, county, and local school boards.²⁶ Researchers may not wish to follow Idaho's law as a model, but it might well be used for comparison with other states in order to ascertain what provisions, if any, have been omitted from the Idaho law or from the laws of other states. In this same manner the study of present legal provisions in Kansas may reveal their inadequacy and the desirability of new regulations toward improvement of the condition of school bus transportation.

Reference to the Illinois and Idaho materials has been made in the hope that if there is a desire on the part of individuals or legislators to change the present law, there will be a study made of work done in these states in the effort to provide the legislative action necessary to secure adequate, safe, comfortable, economical, and efficient service.

Bus drivers are the chief single factor in providing safe and economical transportation. Training for drivers is on the increase. In 1950 the state under the supervision of the State Highway Patrol and the State Highway Commission Safety Department held a two-day bus drivers school at Wichita.

26 Madeline Kinter Remmler, School Law, (New York: McGraw-Hill Book Company, Inc., 1950), Chapter XVI, pp 267-275.

During the latter part of August 1951 a plan to expand the training program as started at Wichita was put into operation with a done-day clinic being held in three widely scattered area cities of the state. The schedule for these clinics included instruction in the areas of bus laws and regulations, first aid, inspection of buses, responsibilities of the driver, licensing, and school bus patrol. A written driver knowledge test was administered. Since this was the first time for any such testing program in Kansas, it was believed to be rather experimental. If there has been anything done to further this phase of driver training, it has not been given enough publicity to be generally known even by those working with the problem.

The operation of buses is bound to be affected by road conditions but there appears to be no relationship between the laws of transportation and those of road improvement.

Generally there seems to be a difference of opinion as to how school bus transportation should be governed. The two schools of thought are whether there should be a complete coverage of transportation by law or whether supervision should be delegated to a regulatory agency.

As a result of the research involved in this study, it is the opinion of the investigator that legal provisions should be kept, not to the barest minimum, but rather of

sufficient coverage to make the intent of the legislature plain with greater authority being given to the regulatory agency. Featherston has expressed a similar opinion by stating that "detailed standards should not be incorporated in law but in regulations issued by a board which has authority to give them the force of law."²⁷

From the study of the many ideas expressed on school bus systems, the writer has found that the factors having significant effect upon the cost of transportation are (1) the capacity, types, and number of vehicles required, (2) the number of pupils transported, and the area covered on the routes, (3) the condition of the roads and weather, (4) the number of months which buses are used annually, (5) the total length of service of each bus, (6) the per cent of buses which are publicly owned, (7) the present condition of the equipment, (8) the cost of new equipment and method of purchase (9) the services rendered by bus other than carrying students to and from school, (10) the ability of the driver to operate the bus economically, (11) the amount and coverage of equipment insurance, (12) the extent of standardization for all buses used in school transportation, (13) the amount of state aid given each school district.

²⁷ See letter from E. Glenn Featherston in Appendix C, p. 159.

CHAPTER V

COMPARISON OF THEORY AND PRACTICE

The development of this chapter compares theory and practice of the several states in regard to (1) licensing and training of school bus drivers, (2) the responsibility for administration of the state bus system, (3) inspection of buses, (4) bus standards, (5) trends in the field, the need for recording of school transportation laws, (6) state aid, (7) liability insurance and (8) the development of a transportation guide in Kansas.

The legal requirements for procuring a school bus drivers license in Kansas are well formulated with the exception of the minimum age of sixteen, and not requiring by law that drivers attend a school of instruction such as an institute provided for teachers.

The minimum age requirement in Kansas is the lowest of the selected states. This would seem to indicate that the legislators of the several states agree with the investigator that a person of this age is not old enough or experienced enough to be given the responsibility of such a valuable cargo. Although a few isolated cases might be found with the mental and emotional maturity to be capable of efficiency in the job, generally the increase of the age requirement by at least two years would appear to be in the

interest of increased safety for those transported.

The school bus drivers clinic is a new development in Kansas and it has been requested rather than required that drivers attend. It is to be hoped that this requirement is in the minds of the regulatory body as they make plans for the clinic during the next few years. Part of the course during the clinic should require passing a driver knowledge test.

With all the attention being given at the present time to the bus driver it would be logical to assume that authorities are going to include in the required qualification (1) the ability to understand and manage the students on the bus, (2) good moral character, (3) absence of physical disabilities which might in any way interfere with his ability to operate the bus, (4) previous experience sufficient to acquaint him with the operation of the type of equipment he is to handle, (5) thorough training in the use of this equipment by local or state officials, (6) complete understanding of the laws, rules, and regulations governing the use of buses, and (7) the possession of a driver's permit issued by the local authorities, in addition to all state or intermediate agency regulations. It is expected that the driver's permit will be issued for one year, with a renewal provision to a driver employed the previous year if he continues to qualify as stated above and maintains driving efficiency.

The organization of school bus driver training programs on a state-wide basis is a relatively recent development. The first one was established in North Carolina in 1937 and has been in operation since that time.¹ Kentucky follows this procedure by providing standards for selection of bus drivers through definite statements including these topics: age, health certificate, vision, morals, character, experience, license, driver's contract, personal appearance, and first aid.² The Kansas clinic for bus drivers includes the topic of first aid, but knowledge of this subject cannot be checked, let alone taught in such a clinic. More attention should be given to this field even to requiring every driver to hold a Red Cross First Aid certificate.

A safe driver on every school bus should be the aim of every person charged with the administration of a school bus system. Frequent check of a driver's competence and driving habits and practices, and regular inspection of the school bus should be high on the list of responsibilities and obligations of school transportation officials.

The responsibility for selection of any person who

1 Federal Security Agency, School Bus Drivers Current Practices in Selection and Training, Pamphlet No. 100, (Washington, D. C.: U. S. Office of Education, U. S. Government Printing Office, 1946), p. 19.

2 National Education Association, "Safety in Pupil Transportation", Research Bulletin of the National Education Association, Vol. XIV, No. 5, (Washington, D. C.: Research Division of the N. E. A., November, 1936), p. 207-8.

can qualify for a legal permit to drive a bus lies with the local board. According to Kansas law, the Commission must be satisfied that he is qualified. After that his license renewal is almost automatic. This would seem to indicate that as long as he can satisfy the local authorities as to his ability he is qualified to drive a bus.

It appears to the investigator that along with the acceptance of the competence of the driver to handle the bus and maintain order among the passengers, the renewal of his permit to drive should also depend upon his knowledge of the laws, rules, or regulations under which he works with special emphasis upon the regulations peculiar to school buses.

In 1946, drivers in 35 states were required to pass some kind of oral or written test, but in only one or two states is any part of the test of such a nature that would indicate that it was prepared for school bus drivers. The three general topics usually covered are State traffic laws and regulations, correct driving practices, and ability to understand road signs.³

The requirement for a license applicant to pass a performance test is becoming more generally accepted but the test is designed for school buses in only two or three

3 Federal Security Agency, op. cit. p. 18.

states.⁴

With the apparently wide differences of opinion as judged by the various state standards, there appears to be no successful method of determining the correctness of any one single system of transportation except as it fits the needs and desires of the respective communities which are served.

The needs of a particular school system must be met. In the light of present day statutes and other regulations, it is logical to assume that the functions to achieve these aims should be on a local level with assistance given through state facilities. The intermediate or county agency frequently has been overlooked, but might be added to the supervisory aids available.

Of the selected states only Oklahoma and Iowa have apparently taken any steps which have resulted in substantial savings in the cost of buses, equipment, supplies or maintenance. In the other states this problem seems to have been given very little attention.

Satisfactory minimum standards for school buses have received considerable deliberation, and progress is being made toward uniform state laws governing their construction.

In 1936 there was a movement to make red, white, and

4 Loc. cit.

blue the standard colors for school buses. This attempt to establish a national color standard was settled when engineers after extensive research decided on an over-all chrome yellow for the vehicle's. Rules established by the State Highway Commission of Kansas state that National School Bus Chrome is the only acceptable color, but that it is permissible to use black fenders and lettering.

The states of Iowa and Colorado provide state inspections for all school buses at least once a year, and when a bus passes this inspection, a sticker is placed in the lower right hand corner of the windshield. Since no vehicle can operate without this approved school bus sticker, local officials would be anxious to provide at least the minimum standards to become qualified. The same theory of inspection is followed in other states as well as in Kansas, but no provision has been made for providing stickers to signify the bus meets the requirements of the law.

Because there are so many states providing transportation for school pupils there is a need for a great number of new buses each year. The companies selling these buses wish to sell their product in many states and need to be able to follow the standards in each of the states. Thus it seems that national standards will help not only the bus companies to provide better service, but also provide higher standards of comfort and safety in many cases.

It has often been stated that in order to provide safe transportation, certain minimum standards should be established on a statewide basis, either through state laws or by means of authoritative rulings. The reason for this philosophy is an attempt to reduce the danger to those who ride the bus. Since this is true, it would seem that the expression should be "ideal standards" rather than "minimum standards", and a sincere effort made by all the respective governmental agencies to provide the best transportation possible. The performance of the bus for the particular route on which it is to be used should be such that it will give superior service at all times. What group of people being transported should be given greater care and consideration than those who are to be the society of tomorrow?

There are a number of districts which will assert that the cost of this type of equipment is prohibitive for their district. This, no doubt, is true in many cases. The existence of such a condition is merely another strong argument toward consolidation or financial relief through adequate state aid. Bus transportation service is justifiable only to the extent that it contributes to the total educational program.

One of the most recent trends in the transportation of pupils is a more extensive use of buses in cities. Along with this trend has grown the use of transit and metropolitan

types of buses. The National Council of Chief State School Officers became the leaders in directing the trend and organizing standards for these buses, and at their 1950 annual meeting adopted a resolution asking for a committee to develop tentative standards to be used as guides to state and local school administrators who purchase transit type buses.⁵ This committee group became the Interim National Conference on School Transportation sponsored by the National Council of Chief State School Officers, American Association of School Administrators of the N. E. A., and the U. S. Office of Education. It met in Washington, D. C., November 1-3, 1951 where it set up tentative minimum standards. These standards are somewhat experimental and "will remain tentative until another full-scale national conference is held to consider and act upon them."⁶

The Kansas School Laws for 1947 summarize the laws as provided in the General Statutes. The disturbing thing in studying these two publications is the difficulty encountered in using two different numbering systems. In using the General Statutes, General Transportation Laws are sections 72-607 to 72-702 and these same laws are coded under Chapter

5 National Commission on Safety Education, Tentative Minimum Standards for Transit and Metropolitan Types of School Buses, 1951 Tentative Edition, (Washington, D. C.: National Education Association, 1952), Foreword.

6 Loc. cit.

36 in sections 1052 to 1060 of the Kansas School Laws, Revised 1947 without any explanation as to where to locate the original law. It would seem that any information taken from the laws of Kansas might be coded and numbered in the same manner when reproduced as it is found in the original source in order to make it easier to find the laws in either book.

Fifty-sections of transportation laws are reported in the Kansas statutes but only thirty-one are found in the Kansas School Laws for 1947. Since the school laws are made available to any one interested in the schools, it would appear that reference to all sections found in the Statute books would make any publication more authentic and valuable.

State aid for transportation is now well established in all but eight states. Eighteen states provide aid through special-purpose flat-grants, sixteen as parts of their foundation programs, two through special purpose equalization funds, and four through some combinations of these funds. Participation of the several selected states under study has been presented in Table II.

The problem of liability insurance varies greatly among the several states. Kansas law does not permit the purchase of such insurance by the school district, therefore,

if it is furnished, the cost must be borne by the individual drivers. The question then arises as to what salary must be paid the driver to permit him to be protected and also provide protection for those in his bus. The figures indicated as salaries in the study of the Holcomb school system would not permit adequate protection.

Under the section of "Principles of Pupil Transportation" it was suggested that a guide in the field of school bus transportation be developed. It is intended that this work should be accomplished for Kansas on a state level, and published for distribution to every school which has a transportation system, either by providing transportation or paying compensation to parents.

The investigator failed to discover any compilation of materials which covered the complete area of school bus transportation for the State of Kansas. Under the provisions of Section 72-120 of the 1949 General Statutes of Kansas, the investigator suggests that such a guide should become a reality. Section 72-120 of the 1949 General Statutes is quoted here for complete coverage as provided by law:

72-120. State Superintendent; publication of school laws, forms, rules, regulations and blanks. The state superintendent not oftener than once in two years may publish the school laws in force, with such forms, rules and regulations; instructions and decisions as he may judge expedient thereto annexed, and shall cause the same to be forwarded to the persons entitled to

receive them. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the common school system, so as to secure its uniform operation throughout the state; and shall cause the same to be forwarded to the several county superintendents to be by them distributed to the several persons or officers entitled to receive them. [L. 1945, ch. 282, #15; July 1.]

Included in the proposed guide might well be headings which include:

1. The complete list of laws, legal opinions, and supreme court cases interpreting the law.

2. Rules and regulations established by the State Highway Commission.

3. A list of forms adopted by the state and required to be reported.

4. Suggested procedures for adoption by the local school district in developing a written policy for use by all those connected with the operation of the bus system.

Optimism has been expressed as to the adequacy of the Kansas laws as supplemented by the regulations set up by the State Highway Commission. It would seem, then, that the theory of the plan has been well formulated in regard to bus standards, licensing of drivers, traffic regulations, administration, and operation of the bus system, and that particular emphasis should be placed on the training of the bus driver and the improvement of his competence in the performance of his duty.

One of the greatest aids to his successful handling of the bus will be the training given to the pupils he transports. The cooperation of the students and the acceptance of their responsibility for their own safety must be accepted as a continuous educational project in the administration of adequate safe, economical, efficient, and comfortable school bus transportation.

CHAPTER VI

SUMMARIZATION, CONCLUSIONS, AND SUGGESTIONS FOR FUTURE STUDY

The purpose of this study was (1) to investigate the legal provisions in Kansas in regard to school bus transportation, and (2) to determine the adequacy of Kansas statutes through comparing Kansas legal provisions on pupil transportation with those of selected states. With these objectives in mind the data discussed in the body and appendix of this thesis were secured and the conclusions reached.

Procedure. The procedure followed in investigation the legal provisions for transportation in Kansas was to divide the statutes into the headings of (1) licensing of drivers, (2) operation of buses, (3) bus standards, (4) special laws of transportation, (5) laws of general nature, and (6) financing, with (7) one section of the investigation devoted to Supreme Court cases and legal opinions of the Kansas Attorney General.

A similar outline was used in the comparison of Kansas laws with the laws of other states. In addition to the comparison of laws governing school bus transportation, a comparison was made of the various agencies which, through their rules and regulations, influence school transportation systems.

The chapter of comparison of theory and practice was developed from the ideas gained during the research. The discussion was presented in accordance with the following arbitrarily determined areas: (1) licensing and training of school bus drivers, (2) the responsibility for administration of the state bus system, (3) the inspection of buses, (4) bus standards, (5) trends in the transportation field, (6) state aid, (7) liability insurance, (8) the need for recoding of school transportation laws, and (9) the development of a transportation guide in Kansas.

The adequacy, implications and theory of the Kansas statutes is indicated by the work done by agencies both within the state and on a national level. The opinions expressed by recognized selected national authorities in their published and unpublished writings were used as another indication of the theory of adequacy.

Following the main body of the thesis is the bibliography which contains a list of the selected literature in the field. In addition, the Appendix includes (1) copies of the Attorney General opinions used in the study, (2) a list of selected national authorities assisting in the investigation, (3) selected letters from these national authorities, (4) a list of chief state transportation officers cooperating in the investigation, and (5) selected letters from the chief state transportation officers in the selected states.

Chapter VI presents the results of the findings presented in the form of summarization, conclusions, and suggestions for future study.

Summary. The findings of the investigation in regard to Kansas are reported as outlined for the study of Kansas laws. In the area of licensing bus drivers, certification in Kansas is well regulated by statutes, with the three exceptions of (1) permitting anyone under the age of eighteen to drive a school bus, (2) not making attendance at a bus drivers' clinic mandatory, and (3) not requiring bus drivers to have a complete masters of first aid.

The operation of buses in a safe manner is not completely covered by statutory provision. The power to regulate the operation of buses has been delegated to the State Highway Commission with some of the authority assigned to the Kansas Highway Patrol. The duty of the Highway Patrol includes inspection of buses, examination of applicants for special chauffeur licenses, and enforcement of the uniform law regulating the operation of vehicles. Authority has been vested in the State Highway Commission to make the necessary rules and regulations for the operation of school buses.

The sections of law governing bus standards have included some important items in the interest of safe transportation. These statutes have been supplemented by the laws

and regulations established by the State Highway Commission. It was found that Kansas adheres very closely to the national standards for school buses.

Special statutes have been passed to provide for the needs in certain districts and in certain cases such as (1) permitting certain second class cities to transport pupils in territory attached to the city, (2) authorizing certain districts in certain counties to transport high school students in districts not maintaining a high school, (3) allowing certain districts to transport their high school students to a city of the second class, and (4) excluding cities of the first class from transporting students in certain cases, even though they may live two or more miles from the school.

Under the laws of general nature, the Kansas legislatures have authorized public school transportation for both curricular and extra-curricular use. Interpretations of the law by the Supreme Court and Attorney General have held that the driver of any vehicle used as school transportation is responsible only for his personal negligence. The law gives the school district board the authority to make rules and regulations to carry out the transportation program in their own district.

Laws have been passed permitting the transportation

of pupils by the school district either by district-operated buses, contract service, or compensation to parents for pupil transportation. State aid is allowed for the transportation of elementary school students only. Liability insurance is the responsibility of the driver in Kansas; however, this was not generally true in the other selected states since Iowa, Colorado, Montana, and Oklahoma may furnish liability insurance from the school district funds.

It was found that the legal interpretations provided through Supreme Court cases and attorney General opinions have been an important phase of the development of the present state of pupil transportation systems.

Conclusions. The findings of the study would seem to indicate that the laws of Kansas have not been intended to govern every phase of transportation by school bus. Instead, authority has been delegated to the Highway Commission and Highway Patrol.

From the findings of procedures in the selected states, as well as opinions gained by the investigator during the study, these conclusions may be drawn:

(1) The establishment of a Division of Transportation in the office of the State Superintendent of Public Instruction would appear to be advantageous.

(2) Some method of assisting the Highway Patrol in their annual inspection of school buses throughout the state

should be devised.

(3) In general the laws and regulations for licensing of bus drivers are well formulated. Attention should be given to (a) the minimum age of licensed drivers, (b) the attendance of drivers at the annual school bus clinic, and (c) drivers' knowledge of the laws and regulations governing school buses.

(4) Red Cross First Aid certificates should be required of all bus drivers.

(5) State aid to the schools should cover the transporting of both elementary and high school students.

(6) Regulations governing the protection of the driver by liability insurance need to be more liberal.

(7) A change in the coding of school transportation laws should be made to agree with the system used in the General Statutes of Kansas.

(8) The development of a transportation guide for Kansas would permit a better understanding of its legal status and administrative features.

(9) The survey of legislation now in force, and also that which has been repealed, would indicate that frequent examination of the laws relative to pupil transportation should be made with the expectation of enacting needed amendments and supplements.

(10) Today the greatest need for improvement seems to be

in the areas of driver training and the cooperative purchase of equipment through a state agency.

(11) Besides some of the items already mentioned, the laws of the selected states appear to have included several items which might be adopted in Kansas. These items include gasoline tax exemption, a transportation revolving fund for the purchase of buses, cooperative purchase of equipment, inspection stickers for buses possessing the required standards, and greater compensation to parents for transporting their children.

Suggestions for future study. Several important topics pertaining to school bus transportation need to be developed further. Suggestions for future study include the areas of (1) bus maintenance with special consideration being given to the length of time various buses are kept in service, (2) the extent to which school districts have availed themselves of the services of full-time bus mechanics, (3) school district employed mechanical services compared with commercial mechanical services, (4) school district operated transportation compared with private contract transportation, and (5) the comparison of satisfaction of school bus driver employment with that of other types of similar employment. Financial savings by cooperative purchase of supplies, parts, and equipment; cost of insurance; and records and reports used

in school bus operation are other possible considerations for study.

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APPENDIX

APPENDIX A

ATTORNEY GENERAL OPINIONS ON

TRANSPORTATION IN KANSAS

Office of Attorney General

September 23, 1948

Dear Sir:

I have for acknowledgment your letter of September 21, asking whether or not it is contrary to law for a member of a school board to own a bus and transport school children.

You are advised that for the school board to employ one of its members to transport school children is not contrary to law in and of itself.

Whether or not the particular transportation you have in mind would be in violation of law could be determined only after examining the facts of the case in detail. Such facts do not appear in your letter. It is suggested that you take the matter up with your county superintendent, who in turn, if he desires any legal information, may consult with the county attorney.

Very truly yours,

/S/EDWARD F. ARN
Attorney General

CHH:mh

Office of Attorney General

September 7, 1950

Under date of September 5th you inquire concerning the power to hire teachers as drivers of school busses.

So long as the driver of the school bus is licensed in accordance with Section 4, Chapter 104, Laws of 1949, such person is competent as a bus driver. There are no restrictions prohibiting a teacher from serving in that capacity if the requirements of this Section are met.

Very truly yours,

/s/Harold R. Fatzer
Attorney General

TFV:RMCM

Office of Attorney General

October 21, 1949

In re: School Bus Marking

Dear Sir:

Your letter of October 20 has been received, in which you inquire about the necessity of re-painting school buses operated by you.

As I understand the situation, you are operating 3 small school buses for the Vermillion High School under contract with the high school for this operation. You state that two are painted green and one, black, and that these buses can hold nine passengers each; that except for the color the buses pass inspection on all points of requirement as set up by the Kansas State Highway Commission.

Please be advised that Sec. 8-579, G. S. Supp. 1947, authorizes the State Highway Commission to adopt and enforce regulations governing the design and operation of all school buses. This section further provides that any officer or employee of the school district who violates any of the regulations in any contract executed by them on behalf of a school district, shall be subject to removal from office or employment; further, that any person operating a school bus who fails to comply with the regulations, shall have such contract cancelled by the responsible officers of the school district.

In regulations issued by the State Highway Commission, effective April 15, 1947, on page 17, under the heading "Identification", we find the following language:

"* * including hood, cowl and roof, shall be painted a uniform color, national school bus chrome, according to specifications of the National Bureau of Standards, with the exception of front fenders and running board."

You state that you expect to sell your buses next spring and acquire new ones, and you inquire whether or not you will need to repaint the buses now to meet the specifications.

It is my opinion that you are violating the provisions of the laws and regulations by not having your buses painted at this time, pursuant to the specifications set out above, and that your failure to meet these requirements constitutes a breach of contract with the school district, so that the school board would be authorized to cancel the contract.

I trust this answers your inquiry.

Yours very truly,

/S/HAROLD R. FATZER
Attorney General

HH:mk

Office of Attorney General

May 3, 1946

Dear Sir:

I hereby acknowledge receipt of your letter of May 1, stating that you are counsel for the Board of Education of the City of Abilene and that the school board owns and operates several school busses. I note you further state that the town of Abilene is now organizing a Ban Johnson Base Ball Club. That a lot of the players will be high school boys, and some, but not all, will be students of Abilene High School. That the Ball Club has requested the Abilene High School for the use of a school bus for the transportation of their players to out-of-town games, that they are willing to pay a reasonable charge for this service. That the school board is desirous of furnishing this service and collecting from the Ball Club a charge equivalent to the cost of furnishing such service, but they are in doubt as to the legal authority to do so.

I note you call my attention to section 72-610, 1943 Supp. and desire my opinion thereon as to whether or not under the provisions of such section the school board could have authority to do the things indicated in the above statement of facts.

In answering your inquiry it is helpful to consider the history of section 72-610, 1943 Supp. This is legislation which was the result of the decision in the case of Carothers v. Board of Education, 153 Kan. 126, wherein the Supreme Court held that the Board of Education of the City of Florence, Kansas, even though having authority under G. S. 72-602 to purchase and operate school busses for the transportation of its pupils, it could not send the busses outside of the district.

I wish further to call your attention to the language found in the last part of 72-610, which reads as follows:

"That pupils so transported shall be deemed under school control and discipline, and shall in all cases be accompanied by suitable school officials or instructors."

And note the following language in said section:

"To transport pupils to school activities such as musical contests, school debates, athletic contests, museums, places of historical, industrial or educational importance within or without the boundaries of the school district or territory under the control of the managing boards:"

-2-

In view of the opinion rendered in Carothers v. Board of Education heretofore cited and the pertinent language noted in section 72-610, 1943 Supp., it is my opinion that it was the intention of the Legislature to restrict the use of the school transportation facilities to those for school activities and it is, therefore, my further opinion that the transportation of the members of the local Ean Johnson Base Ball Club to out-of-town base ball games would not be school activities or school purposes and, therefore, such use would be in violation of the above cited section.

Very truly yours,

/s/A. E. MITCHELL
Attorney General

LWL:k

Office of Attorney General

February 9, 1943

Dear Sir:

In your letter of February 8 you state that the Sylvia Rural High School has been sending the senior class of each year on an educational trip that takes them in several states. You ask whether or not your school would be authorized to use a school bus for the purpose described above.

Authority for the use of school buses for extra curricular activities is found in G. S. 1347, 72-618, and it is the view of this office that this statute does not prohibit the crossing of state lines. However, if such a trip is undertaken in a school bus, it must be remembered that all of the laws pertaining to the use of highways by buses in each foreign state entered, must be complied with. It would not be safe to undertake such a trip without first ascertaining all of the requirements of each state into which the bus will enter or pass through.

Very truly yours,

/S/ EDWARD F. ARN
Attorney General

CHH:mh

Office of Attorney General

February 18, 1948

Dear Sir:

I have for acknowledgment your letter of February 17, advising that it is contemplated to take the senior class on a trip into Colorado, which would be extra curricular. Extra curricular transportation is authorized by Section 72-618 of the 1947 Supplement which is quoted below:

"The governing body of any school district may provide and use any means of school transportation, such as buses or cars, to transport pupils to school activities, such as musical contests, school debates, athletic contests, museums, places of historical, industrial or educational importance within or without the boundaries of the school district or territory under the control of the governing body. All pupils so transported shall be deemed under school control and discipline and shall in every case be accompanied by suitable school officials or instructors."

You will note that this section authorizes a school district to furnish transportation in connection with certain activities and also provides that the pupils shall be under the discipline of and accompanied by a suitable official.

Very truly yours,

/S/EDWARD F. ARN
Attorney General

CHH:tb

Office of Attorney General

July 29, 1949

Dear Sir:

Your letter of July 27 has been received in which you request information concerning the use of school buses in extracurricular activities in the state of Kansas.

The statutory basis for conduct of school journeys is section 72-618, General Statutes of Kansas, 1935, Supplement of 1947, which reads as follows:

"The governing body of any school district may provide and use any means of school transportation, such as buses or cars, to transport pupils to school activities, such as musical contests, school debates, athletic contests, museums, places of historical, industrial or educational importance within or without the boundaries of the school district or territory under the control of the governing body. All pupils so transported shall be deemed under school control and discipline and shall in every case be accompanied by suitable school officials or instructors."

Your second question concerns the liability of teachers for any accidents that might arise from such an excursion.

There are no Kansas statutes governing this liability, and therefore a teacher on such a trip would have only the liability for his personal negligence the same as if he were conducting school at the time of the accident.

I trust that this answers your inquiry.

Very truly yours,

/S/HAROLD R. FATZER
Attorney General.

HH:mh

Office of Attorney General

February 6, 1950

Dear Sir:

You request an opinion regarding authority of the Glendale Rural High School District Board to pay compensation for transportation to parents of pupils attending a parochial school outside of the district, and also payment for such transportation when transportation is not actually furnished by the parents. It appears that the Glendale Rural High District is not now maintaining a high school.

In regard to your first question, this office has consistently held that where a school district has been closed and has voted not to maintain school and where arrangements are made to send the pupils of the district to a public school or schools of another district or districts, and where no arrangements have been made for a regular school bus route, the sending district has no right or authority to pay the transportation mileage for any pupils who do not attend public schools.

G. S. Supplement 1947, 72-619, provides that when bus transportation is provided by the sending school district the private and parochial school students shall be entitled to the privilege of such school bus transportation. G. S. Supplement 1947, 72-701 has now been amended by Section (11) of Chapter 358, Laws of 1949, and is apparently the only authority for the payment of transportation compensation when a district is not maintaining a school. It should be noted that this section specifically limits the payment to be made for sending the children "to a public school". We believe this to be a direct limitation upon the power of the sending school board to pay compensation, as provided in subsection (2) of said statute.

Your second question concerned the authority of the sending board to pay mileage in lieu of furnishing transportation when the pupil was not actually transported by the parent or other person. In the case you cited, the pupil was living with a relative in the city of Chapman while attending school there, but that the board was paying transportation mileage as though the transportation was actually made daily by the parents of the pupils.

Please be advised that in my opinion such payment is illegal

for the reason the statute does not authorize the payment of any sum of money for such items as board and room in lieu of the transportation actually furnished only. In this connection, it should be noted that 72-621, G. S. Supplement 1947, provides that the mileage shall be paid "for each mile actually traveled". By inference this Section must be read with any other section authorizing the payment of compensation, and that when the transportation is not actually furnished by the parent, the school board is without authority to pay any compensation in lieu of furnishing transportation.

I trust this answers your inquiry and we are sending a copy of this letter to the County Attorney at Salina.

Yours truly,

/S/Harold R. Fatzer
Attorney General

Office of Attorney General

August 10, 1950

Dear Sir:

Your letter of August 4, 1950 has been received in which you ask the following two questions pertaining to the transportation of elementary school pupils:

1. May common school district A legally send its buses into common school district B, which operates an elementary school for the purpose of transporting elementary pupils residing in district B to the school in district A when no agreement for such transportation has been entered into between the boards of the two districts?
2. If district A. does send its buses, legally or illegally, into district B can the school board of district B legally restrain elementary pupils living in district B from riding the bus operated by district A to the school in district A, assuming the school board of district A consents to the arrangement and that no agreement covering such transportation has been entered into between the boards of the two districts?

In answer to your question No. 1, it is my opinion that a school district does not have authority to send its school buses into another common school district's territory in order to pick up those pupils and return them to the school providing the transportation in the absence of a contract between the districts. We believe this is true because the general rule is that in the absence of express statutory provision, school authorities are not bound or authorized to furnish free transportation to pupils.

The only exception to the rule first above stated is set out in our Kansas Statutes in G. S. 72-620, which provides for a contract to be entered into between the governing bodies. In the absence of such an agreement, an elementary school bus would not be authorized to leave its own district for the express and only purpose of picking up elementary school pupils in another district.

In answer to your second question, if this transportation is illegally furnished, I believe that only the patrons of tax-

payers in the district furnishing this transportation, would have the right to enjoin this illegal expenditure of public funds. In other words, school district "B" in your illustration would not be in any position to bring an action to enjoin this practice either as against the district furnishing the transportation or as against the pupils availing themselves of this transportation.

In this connection it should be noted that by virtue of Section 10, Chapter 358, Laws of 1949, an elementary pupil residing in Kansas may attend any elementary school in the County of his residence upon applying admission and registering with the County Superintendent. Although we cannot say, in the absence of a decision by our Supreme Court, whether such construction can be put into our laws, it is interesting to note a statement in 47 Am. Jur. 419 Schools, Section 163, which reads as follows:

"Where children, although residing in another district, are legally transferred to a new district, they become entitled to the transportation enjoyed by residents of the district from a point from which other children are being transported".

This would probably be construed to mean that the pupil would be entitled to transportation from the boundary line of the district furnishing the transportation.

While the opinions above expressed may seem inconclusive, it is about the best we can do under the present state of our statutes and the lack of Supreme Court interpretations of it.

Very truly yours,

/S/HAROLD R. FATZER
Attorney General

Office of Attorney General

April 15, 1947

Dear Sir:

Question: "In determining the distance from a pupil's residence to the schoolhouse, is it proper to measure the distance from the end of the driveway at the street to a specified entrance or driveway of the school, or should the distance be measured from the front door of the pupil's house to a designated entrance or driveway of the school."

I assume the question has arisen under the provisions of G. S. 1945 Supplement 72-601. On this assumption the following opinion is predicated:

The Supreme Court of Kansas, in the case of Purkeypyle v. School District, 127 Kansas 751, in construing 72-601, with reference to the proper measurement of distance from a pupil's residence to the school attended, held that the distance from the front door of the pupil's residence to the door of the schoolhouse was the distance to be measured in determining whether a pupil lived three or more miles from the school attended. In the Opinion the court said:

"The statute provides transportation or compensation in lieu thereof for pupils who live three or more miles from the school attended. Where do these pupils live? Certainly not in the middle of the road; neither do they attend school in the center of the road in front of the schoolhouse. Another measurement submitted was from gate to gate. It can as truthfully be stated that they do not live at the front gate or attend school at the gate."

"Children live in the house which they call their residence and that may be in the center of a cattle range or pasture, a half mile or more from the public highway, and there is no good reason for not measuring that distance over a private driveway or private walk if it is the usually traveled road from that house to the school".

Very truly yours,

/S/EDWARD F. ARN
Attorney General

Office of Attorney General

April 25, 1947

Dear Sir:

This is to acknowledge your letter of April 22, in which you refer to my letter to you under date of April 12, on the question relating to the payment of compensation by common school districts in lieu of transportation furnished by such district, and you request my opinion as to whether the contents of my letter of April 15, are applicable to Section 8, of Senate Bill #48, and act relating to schools and the transportation of pupils.

It is my view that the opinion of this office set forth in my letter to you under date of April 15, 1947, which relates to the proper measuring of distance and payment of compensation in lieu of transportation by a school district from the residence of a pupil to and from the public school attended by the usual road, is applicable to the provisions of Section 8, Senate Bill #48, which is effective after its publication in the statute book.

Very truly yours,

/S/EDWARD F. ARN
Attorney General

Office of Attorney General

October 4, 1948

Dear Sir:

This will acknowledge the receipt of your letter of October 2, wherein you request an opinion from this office concerning the interpretation of Section 72-621, G. S. Supplement 1947, wherein the term "by the usually traveled road" is used with reference to the payment of transportation matters.

In the case of Purkeypyle v. School District, 127 Kan. 751, the Court laid down the general rules with reference by "by the usually traveled road". You will note from this opinion that the Court interpreted this provision very liberally. The Court said:

"Children live in the house which they call their residence and that may be in the center of a cattle rance or pasture, a half mile or more from the public highway, and there is no good reason for not measuring that distance over a private driveway or private walk if it is the usually traveled road from that house to the school".

Very truly yours,

/S/EDWARD F. ARN
Attorney General

Office of Attorney General

May 11, 1949

Dear Sir:

Your recent letter has been received in which you inquire whether a school district may furnish transportation or provide compensation in cases where the pupil lives less than two and one-half miles from the place where the schoolhouse is located within the district.

This office has previously rendered an opinion on September 11, 1947 to the County Attorney of Smith County, Kansas, in which we held that it was optional with a school board to pay the mileage compensation for transportation of students within the school district living within two and one-half miles of the schoolhouse. A copy of this letter is hereto attached.

Supplementing the above referred to letter, I wish to call your attention to the language of Section 72-615, G. S. Supplement 1947, which authorizes the governing body of any school district to provide or furnish transportation "to and from any school maintained by such district for all or any of the pupils residing in such district".

The provisions of 72-621 G. S. Supplement 1947 makes it mandatory for the district board to provide or furnish transportation, or pay mileage compensation, in lieu thereof for all pupils residing more than two and one-half miles from the schoolhouse.

Senate Bill No. 17 of the 1949 Legislature in Section 1, amends Section 72-614 G. S. Supplement 1947 by adding a third provision defining the words "provide or furnish transportation" It is my opinion that the language used in Senate Bill 17 indicates that it was the intention of the Legislature to allow a school district board to pay compensation in lieu of furnishing transportation if it so desired, but that it is not mandatory except in those instances where the pupil resides more than two and one-half miles from the schoolhouse.

Very truly yours,

/S/HAROLD R. FATZER
Attorney General

The letter referred to on the previous page was not copied in its entirety but only the essential paragraph used. The brief form of the letter gives the essential information secured from the attorney general's opinion.

The attorney general's opinion dated September 11, 1947, and directed to the county attorney of Smith County stems from Section 72-615, and states:

"the board would be entitled to use its discretion in determining whether or not it would furnish transportation to kindergarten or elementary pupils residing two miles or less from the public school."

Office of Attorney General

February 23, 1949

In re: Construction of 72-622
G. S. Supplement 1947.

Dear Sir:

In answer to your recent letter inquiring about the construction of the above mentioned statute, please be advised that it is the opinion of this office that the statute must be strictly construed in the light of the intent of the legislature.

You specifically inquire as follows: "Are they entitled to conveyance money all the time or just the actual time they provide the transportation and for the distance they provide the transportation?" (They mean the family providing the transportation for the pupils.)

It is my opinion that the statute limits the amount of payment that may be made for transportation to the actual necessary mileage only, and not to exceed two round trips per day. It makes no difference which family provides the transportation because the statute limits the amount to be paid regardless of the number of pupils transported on any one trip.

I trust this answers your inquiry.

Yours truly,

/s/HAROLD R. FATZER
Attorney General

HH:tb

Office of Attorney General

November 30, 1949

Dear Sir:

Your letter of recent date has been received in which you ask several questions concerning the payment of tuition and transportation to your school board for non-resident students attending your city schools.

You first ask concerning the status of common school districts for the next school year, which do not operate a school and who send their pupils to your city schools. Please be advised that so long as the school district is in existence the patrons of the district, at their annual meeting next April may vote not to maintain school and to authorize the transportation of the pupils to other districts (72-406, G. S. Supp. 1947). For this purpose the district may adopt a budget with a levy of taxes to provide for this cost of transportation. The district should also at this meeting authorize the school board to enter into agreements with school boards of other districts for the admittance of the pupils of that district, in conforming with section 11, Chapter 358, Laws of 1949.

Your next question is whether or not the county superintendent has the right to divide the territory of these districts among neighboring districts. Assuming that the territory of the closed district lies wholly within Franklin County, the county superintendent does not have the authority to divide the territory, but may attach all of the territory of such district to a neighboring district, or the patrons of the district may vote to consolidate with another district (72-213 and 72-903, G. S. 1935). There is no provision for disorganization, at present, of the district except by annexation or consolidation of the entire district to or with another district.

Your next question concerns the eligibility of such a closed district to receive any money from the state in the event they decide to maintain school next year. Under the provisions of Chapter 358, Laws of 1949, the amount of money which any district may receive from the state is limited by the expenditures of that district during the preceding year. Furthermore, under the provisions of section 11, Chapter 358, Laws of 1949, the district would not be deprived of its share of the annual school fund derived from interest on the bonds in the State Permanent School Fund. This

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probably would be the limit of state participation in support of the common school district.

Your next question concerns the allowance for transportation in the event school is closed and pupils are transported to another district. This is also governed by Sec. 11, Chapter 358, Laws of 1949, and it requires that the school board shall provide transportation, "or shall compensate parents for transporting their children at a rate not greater than would otherwise be paid were the school board to furnish the transportation itself."

Your final question is whether or not any territory that wishes to join another district must be contiguous to the district that it joins. The statutes do not cover this question, and it is the opinion of this office that in the lack of such a statutory requirement it is not necessary that the territories involved be contiguous. However, from a practical standpoint, we believe that it is much better for any district to keep its territory in a solid block and not have intervening territory between adjacent portions.

I trust that this answers your inquiries.

Very truly yours,

/s/HAROLD R. FATZER
Attorney General

HH:mh

Office of Attorney General

June 25, 1947

Dear Sir:

In your letter of June 19 you state that questions frequently arise concerning the liability of school districts and school district boards in case of accidents which occur when children are being transported to and from school.

You inquire whether the school district or board is liable for damages where injury occurs while pupils are being transported in school buses; also whether the school district or board is liable where pupils are transported by an individual or company under contract with the school district.

It is well settled in this state that quasi corporations, such as school districts, are not liable for the negligence of their officers in the absence of an express statute imposing liability. (See *Kerney County v. Williams*, 8 Kan. App. 850.) It is equally well settled that the school district, as a quasi corporation, is not itself liable for tort. In this connection, the Supreme Court in *Mc Graw v. Rural High School District*, 120 Kan. 414, said:

"If the doctrine of state immunity in tort survives by virtue of antiquity alone, is an historical anachronism, manifests an inefficient public policy, and works injustice to everybody concerned (*Governmental Responsibility in Tort*, by Edwin M. Borchard, 11 *American Bar Association Journal* 496, August 1925), the legislature should abrogate it. But the legislature must make the change in policy, not the courts. The judgment of the district court is affirmed."

As to whether a driver of a school bus owned and operated by the school district is required to carry liability insurance, you are advised that I know of no statute which requires the bus driver to purchase liability insurance. This is a matter of personal concern to the driver, for if injury occurs to pupils riding in the school bus, and his negligence is the approximate cause of such injury, he personally is liable for ensuing damages.

Very truly yours,

/S/EDWARD F. ARN
Attorney General

Office of Attorney General

October 27, 1950

Dear Sir:

Your letter of October 26 has been received, in which you inquire as to the liability of school districts for property damage or personal injury in the operation of school buses and the necessity for liability insurance.

Please be advised that the Kansas Statutes have adopted the Common-Law principle that the immunity of the state extends to municipal corporations, including such quasi municipal corporations as school districts. In other words, a school district is not liable for the negligence of its officers and employees in the absence of an express statute imposing liability, and the district itself is not liable for tort. (See Kearny County v. Williams, 8 K.A. 850; McGraw v. Rural High School Dist., 120 Kan. 414.)

I know of no statute which requires either the school district or the operator of the school bus to carry liability insurance, and because the school district is not liable in tort, the purchase of liability insurance would probably be an unlawful expenditure of public funds.

I trust the above observations may be of some benefit to you.

Yours truly,

/S/HAROLD R. FATZER
Attorney General

HH:mh

Office of Attorney General

May 11, 1950

This is to acknowledge receipt of your letter of April 28 in which you ask whether or not there is a bond statute which could be used to raise money for purchasing a school bus.

I can find no statute which would authorize a bond issue for purchasing a school bus. All bond statutes which I can find provide for the building of school buildings.

I am sorry that I cannot help you further.

Very truly yours,

/S/HAROLD R. FATZER
Attorney General

WPT:mh

Office of Attorney General

May 11, 1950

Dear Sir:

Your recent letter has been received in which you inquire as to the legality of a vote at a recent annual high school meeting for a special transportation levy when the vote was not made by ballot.

Please be advised that in school district elections in Kansas, unless required by a special statute, voting by ballot is not necessary and an oral standing or show of hands vote is adequate.

I trust this answers your inquiry.

Yours truly,

/S/HAROLD R. FATZER
Attorney General

HH:em

Office of Attorney General

December 28, 1949

Dear Sir:

We have your letter of December 24th in which you ask whether money raised in a budget for maintenance of a school may be used for the payment of transportation in the event school was closed because of too few students.

Please be advised that the item of maintenance in a school budget is part of a general fund, as is also the item for the payment of transportation, and our courts have ruled that there may be a transfer between budget items within a particular fund without violating the budget law.

I trust this answers your inquiry.

Yours truly,

/S/HAROLD R. FATZER
Attorney General

HH/dm

Office of Attorney General

November 26, 1948

Dear Sir:

Answering your letter of November 20, you are advised that this office has no jurisdiction whatever to make any requirements of a board of education which would prohibit them from holding school on days when certain roads might be considered to be impassable.

Very truly yours,

CHH:mh

/S/EDWARD F. ARN
Attorney General

Office of Attorney General

October 4, 1949

Dear Sir:

Your recent letter involving some problems concerning a school district without any pupils attending the school, has been received.

I understand from your letter that this common school district in your county, at its annual meeting in April of 1949 voted to maintain school for an eight-months' period during the school year of 1949-1950. Pursuant to this election the school board employed a teacher and entered into a contract with her upon the standard form of contracts furnished by the State Superintendent's office. When school opened at the regular time, no pupils appeared because the parents of the three or four school children are sending these children to adjoining school districts. While your letter does not so state, I assume that the teacher is ready, able and willing to perform her part of the contract.

Your first question is, how long must the school board continue to keep the school open? It is my opinion that the board does not have the power to change the expression of the electors at the annual meeting, and therefore must keep the school open until lawfully directed to close it. I would suggest that the board call a special meeting of the electors pursuant to 72-402, G. S. Supp. 1947, and proceed to have the district vote not to maintain school and to provide transportation for the pupils to an adjoining district pursuant to sec. 11, Chapter 358, Laws of 1949.

Your second question is whether the parents can require the school board to pay transportation to another district. I believe that the suggestion made in the last paragraph above would be a practical solution to the problem of transportation. So long as the school remains open the board is not obligated to pay the transportation charges to another district.

In regard to the rights of the school teacher under her contract, I believe that this right is absolute and that the teacher may require the board to pay her the sums stipulated in the contract. I have examined the standard form of contract put out by the State Superintendent of Public Instruction, and I find no clause therein relieving the board from their liability upon the happening of the events occurring here. The case of Fuller vs. Consolidated Rural High School District, 138 Kan. 881, appears to give a conclusive answer that the teacher is entitled to receive her full pay, because the breach of the contract was not her fault.

-2-

However, I am informed by the State Superintendent's office that when such a situation exists, as in the instant case, the practice has been for the board to compromise the claim with the teacher and pay her a sum less than the contract amount and release her from any further liability upon the contract. She in turn would release the board from any balance due, and this sum may then be appropriated by the board to pay for the transportation of the students to another district.

I trust this answers your inquiry and that some suitable arrangement may be worked out between the board and the school teacher involved.

Very truly yours,

HH:mh

/S/HAROLD R. FATZER
Attorney General

Office of Attorney General

January 12, 1950

You inquired my opinion concerning the speed limit under our statutes for school busses when such busses were not being used to transport pupils to and from school but were being used to convey athletes for the purpose of an athletic contest.

It is my opinion that the maximum speed for a school bus when used for that purpose is thirty-five miles per hour.

In 1941 in the case of Carothers vs. Board of Education, 153 Kan. 126, the State Supreme Court held that at that time a school district was without authority to use a school bus for the purpose of transporting pupils outside the district to athletic events. However, in 1947, 72-618, Supp. of 1947, was enacted and specifically authorized the governing body of any school district to use busses or cars to transport pupils to school activities, such as musical contests, athletic contests, etc. It further provided pupils so transported shall be under school control and discipline and be accompanied by suitable school officials or instructors. By this statute the legislature broadened the use of school busses insofar as the purpose was concerned. At the same time, 8-532, 1947 Supp. under Subdivision (b) (2), "school busses, at no time over 35 miles per hour."

It is my opinion that this restriction applies to school busses when being operated for any purpose. In the same manner, the provisions of Chapter 104, Laws of 1949, Section 3, Subdivision a, also applies to school busses when being used for any purpose.

I trust that this fully answers your inquiry, and beg to remain

Yours very truly,

/S/HAROLD R. FATZER
Attorney General

TFV:dm

APPENDIX B

LIST OF AUTHORITIES ASSISTING

IN THE INVESTIGATION

List of Authorities Assisting
in the Investigation

Julian E. Butterworth
Professor of Education
Cornell University
Ithaca, New York

Roald F. Campbell
Director of Elementary Education
University of Utah
Salt Lake City, Utah

Shirley Cooper
Assistant Executive Secretary
American Association of School Administrators
1201 Sixteenth St. N. W.
Washington 6, D. C.

D. P. Culp
Supervisor of School Bus Operation and Maintenance
Department of Education
Montgomery 4, Alabama

E. Glenn Featherston
Assistant Director
Administration of State and Local School Systems
Federal Security Agency
United States Office of Education
1201 Sixteenth Street, N. W.
Washington 6, D. C.

R. R. Ireland
Safety Engineer
State Highway Department
State House
Topeka, Kansas

J. C. Mutch
Director of Transportation
State Department of Public Instruction
Room 401, Centennial Building
Springfield, Illinois

William McKinley Robinson
Western Michigan State College
Kalamazoo, Michigan

David W. Zimmerman
Director of Transportation
State Department of Education
Lexington Building
Baltimore, Maryland

APPENDIX C

SELECTED LETTERS RECEIVED

FROM AUTHORITIES

THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS
A Department of the National Education Association
1201 Sixteenth Street, Northwest
Washington 6, D. C.

July 3, 1951

Dear Mr. Page:

This is a reply to your inquiry of June 23 concerning "School Bus Transportation." It is gratifying to see that you are interested in this problem. There have been a lot of minor studies in school transportation made during the past several years, but not nearly enough research has been done on this important problem. It is growing so rapidly and so many factors are influencing with growing trends that a great deal of study is needed.

I am enclosing a little statement I made in an article to The School Executive a few months ago which may give you my view points concerning the relation of school transportation to the instructional program and to community life in general. This is, as you will note, not based on any research I did, rather it is a summary of my general observations of many transportation programs.

In your letter you ask that I indicate what I believe to be future trends in the development of school transportation. Again these will be of a general nature, but I am pleased to give them to you for what they are worth. It is my opinion that we will see school transportation develop along the following lines:

1. School busses will be used to a greater extent to take people from the classrooms out into the local communities on field study and observation.
2. School busses will be used to a greater extent to bring the community groups into the school in the evening for shop work, group study, and recreation.

I would not be surprised to see this development take place quite readily in relation to adult education programs.

3. I think you will see the trend toward board ownership of busses become stronger.

4. There will be a great deal more emphasis put on school bus driver training programs.
5. Communities are likely to participate to a greater extent in planning school bus routes and schedules. Already now, the practice of designating lay advisory committees to assist school officials in planning bus schedules is becoming common.
6. I think we will see more attention given to school bus transportation insurance. It is my opinion that insurance is costing school boards too much. The accident rate in school bus transportation is extremely low, yet we are paying relatively high rates for the protection. The program is getting so extensive that some plan will be worked out to provide adequate coverage at a rate considerably lower than we now have.
7. With board ownership, more school districts will provide their own maintenance service. In many of the county unit states now the Board of Education owns and operates its own repair shops and provides lubricating services. Such supplies as tires, gasoline, oils, and repair parts are purchased through state contract arrangements which results in substantial saving. In several states such contractual arrangements have resulted in the purchase of new equipment at considerably reduced rates. A very good example of this practice is in the State of Alabama.
8. As school bus fleets become larger, the tendency to employ a supervisor of school transportation will increase.
9. There will be a great deal of attention given to what is known as preventive maintenance; that is, careful inspection of equipment and repairs made before equipment actually goes out of running order. Driver training will give emphasis to the care of the equipment so that it will last considerably longer. It occurs to me that a worthwhile study could be made of the length of time various types of equipment are kept in service.

You may be interested to know that the Department of Rural Education of the NEA is now at work on a yearbook which will be published in 1952 on School Transportation. They are securing illustrations on the use of equipment for program enrichment. Some outstanding examples have all ready been uncovered.

The practice of using busses for athletic activities; that is, taking teams of players on long trips has been abused. I should not be surprised to see some attention given towards developing some standards of practice that are desirable. As you know, in some states this is prohibited, while in others the barriers are down and people go wild.

Underlying the total transportation program is the fundamental principle that transportation is a service to instruction. Always we must be on guard to keep this service charge at as low a rate as possible so long as it is in keeping with standards of safety and efficient operation. The greater the proportion of money used for transportation, the less there is for actual instruction. These two alternatives are not in conflict with each other. Frequently, the one supplements the other. However, in our study of this problem we must keep in mind the necessity for maintaining a proper balance between these two budgetary expenditures.

Sincerely yours,

/S/SHIRLEY COOPER

SC:ag

Enclosure

STATE OF ILLINOIS
Office of the Superintendent of Public Instruction
Springfield
401 Centennial Building

June 28, 1951

Dear Mr. Page:

This is in response to your letter of June 23, 1951. This letter is written with the hope that my unorganized responses will be of some assistance.

The opinions are primarily limited to the situations as found in the State of Illinois. Pupil transportation in Illinois is increasing rapidly because of the current changes in our school district organization. Traffic conditions and the demand for safe transportation are factors which call for an expanded program. I anticipate a continued development until practically all pupils are included in the pupil transportation program, if they reside at a distance from the school attended.

In Illinois we anticipate marked improvement in the condition of roads and highways which will greatly facilitate the problem of pupil transportation. Under the statutes of Illinois, pupil transportation is required in those districts which are known as community unit districts. This is the type of district which is rapidly becoming the standard in this State. The State directly makes reimbursement to school districts for a portion of the cost of pupil transportation. At present the amount is \$20.00 per pupil per year. The operation of buses and the purchasing of vehicles is a responsibility of the local school district.

I would be pleased to expand on our procedures in any specific area, if you will indicate the type of information you desire.

Very truly yours,

/s/J. C. MUTCH
Assistant Superintendent
In Charge of Transportation

JCM/ah

WESTERN MICHIGAN COLLEGE
OF EDUCATION
Kalamazoo, Michigan

July 2, 1951

Dear Mr. Page:

I appreciate Professor Wood's referring you to me for information in the field of school bus transportation. I do not think of myself as one who has worked intensively in that field. Naturally as state supervisor of consolidated schools in one of the midwestern states for a couple of years plus teaching in the rural areas and training teachers and administrators on the professional level for rural positions, I have necessarily given much thought to the transportation problem. The following comments are very general and are not given in any particular order of importance. My general reflections are:

The distance which children are picked up and hauled to a common center should certainly be carefully checked and limited for those in the younger age groups so as to consider fully their health and physical needs. Rather than have consolidated schools bring together children over too great an area, I would much prefer the setting up of small one- or two-teacher centers where the children could continue through perhaps the sixth grade before they are taken on the longer bus ride to the central building. Perhaps a half hour ride should be the maximum for little children.

The different busses in the fleet certainly should vary in size so that the accommodations can be more nearly suited to the needs of the greater and shorter distances with speed and convenience not overlooked. I see no reason, for instance, why in the fleet there should not be one or two station wagons or even a regular passenger car. These small busses or automobiles would be very convenient to take small groups on longer trips or on special assignments where the cost of a large bus and its maneuvering would be less convenient. In fact I sometimes wonder if -- while I believe the school district should in general own its equipment -- it might not contract for a private individual to use his own private car at lesser expense.

As to drivers for the busses, it seems that their qualifications for moral conduct, use of good English, and acceptability both to the pupils and parents should be on practically as high a level as those of school teachers. After all the pupils are with these drivers a fair percentage of school time and their conduct and education is a continuing process. Let's not permit the work we are trying to do in the classroom be lessened in effectiveness by what takes place during the time the children are going to and from school. I question whether it is well to expect a fully scheduled classroom teacher to take on the extra curricular assignment of driving a school bus. While I know some school systems have done this or even hired older high school students for the task, it seems to me that the responsibility is sufficiently heavy that if our teachers have regular loads it would add too much to permit them to give as generously to their classroom duties as should be expected. I appreciate that some high school students are mentally as mature as many of the adults in the community. Nevertheless placing the responsibility for the lives of others in their hands at a relatively young age may be questioned just as it would be should we hire them as law enforcing officers or in other public situations where we expect individuals to carry on adult activities with the responsibilities involved. I do think it is wise where possible to use the bus drivers not only as part assignees to that task but also as janitors, garage mechanics, maintenance men, etc. The full-time employment it seems to me gives stability and assists the driver to feel that he is a part of the regular school staff and that every member of the staff regardless of assignment is most important to the success of the school system.

Certainly when it comes to the size of the bus and its capacity extreme caution should be exercised to guarantee against overloading which seems to be reported often as one of the serious weaknesses in our transportation program. When I hear of children sitting on each others laps or from 60 to 70 crowded into a bus with seats provided for only 36, I think school people may be seriously criticized for the temptation for careless conduct and minor immorality that may occur as well as the greater accident hazard. Every effort should be made to have the conduct in the bus as favorable as that expected in a well governed classroom.

In the setting up of bus routes, I think the state should be exceedingly solicitous less local districts in their bids for children on the margins of several districts

have busses competing by driving in many cases identical routes for several miles in order to get the patronage of the local children. Certainly every effort should be made to prevent any back-tracking or undue expense in running these busses in any competitive manner.

As to the location of routes, it seems to me highly desirable, if at all possible, to have the different busses pass by the front doors of the homes from which pupils are picked up. If the pupils have to walk a half mile or a mile or more and wait at some corner, all the arguments of protecting them against inclement weather, etc., have gone to pot. If in cases it is not possible for the bus to pass by the home, it seems to me private transportation from the home or homes down to the intersection where the regular bus may be met should be arranged for. These feeder lines may be worked out for some of the fringe areas just as air plane companies, I understand, have feeder lines into the larger transportation routes.

These are some of my immediate reactions to your general questions and you are welcome to take any part and use it as best suits your convenience.

Sincerely yours,

/S/WM. MCKINLEY ROBINSON,
Director
Department of Rural Life and
Education

R/s

FEDERAL SECURITY AGENCY
Office of Education
Washington 25, D. C.

July 11, 1952

Dear Mr. Page:

This is in response to your letter of June 14 which arrived in the Office during my absence. I shall try to respond to your questions in the order in which you raise them.

1. It would be quite difficult to rate the adequacy of pupil transportation in the State of Kansas since I am not very familiar with the characteristics of local programs in that State. There are one or two obvious weaknesses in the State of Kansas in certain aspects of the program. In the first place, the State Department of Education has never been able to obtain sufficient operating funds to provide personnel for adequate leadership in the field of pupil transportation. Superintendent Throckmorton told me only last week that his department was not able to give the kind of service they would like to give in that field. A second weakness in the transportation program is that the State funds, according to my most recent information, were available only for elementary pupils. It would seem probable that transportation of secondary pupils is about as urgently needed in Kansas as is the transportation of elementary pupils. However, as I mentioned above, despite these two weaknesses there may be many fine programs of transportation in the State of Kansas and I would have no way to compare them with similar programs in other States.

2. It is a fairly generally accepted principle that detailed standards should not be incorporated in law but in regulations issued by a board which has authority to give them the force of law. For example, the law of Kansas probably should not state that seats in school buses should be 25, 26, or 27 inches apart. Rather, it should give to a State agency the authority to issue standards such as this. There has never been any attempt to define the items in the field of transportation which should be the subject of legislation and those which should be controlled by regulation.

3. I believe practically all students of school finance would advocate that any State foundation program include provisions for the transportation of pupils.

4. The responsibilities related to the regulation of transportation have been fairly well distributed among State departments in the several States. There is no accepted pattern for the division of these responsibilities. In some States the licensing of bus drivers has been vested in a motor vehicle commissioner and the inspection of buses may be vested in the motor vehicle commissioner or the highway patrol. In other States, both of these functions may have been placed under the State department of education. In most States, responsibility for training school bus drivers has been placed in the State department of education but in a few States this responsibility has been placed in some other State agency. It is the hope of some of us who are working in the field of transportation that we may be able to get some conference agreement on the proper placement of these responsibilities at the next National Conference on pupil transportation.

5. The Office of Education does not get transportation reports from the States except in relation to particular studies. In our biennial survey of education, we do get information on the number of pupils transported, the number of vehicles used in transporting these pupils and the total cost of transportation. Any other information which we might need would be obtained on special request.

6. I believe this question is answered above in number 5.

7. I do not know of any single study which summarizes the responsibilities of the various State agencies for pupil transportation. We have contemplated such a study but have never been able to carry it out. It is possible that you might find in the administrative bulletins of the various States some information on responsibilities of State agencies other than the State department of education. However, this would involve a bit of research on your part to obtain this information.

I believe you have already received the bulletin, "Pupil Transportation in Cities." In addition I am enclosing

two other bulletins which have some information on the status of pupil transportation in the various States.

Sincerely yours,

/s/E. GLENN FEATHERSTON
Assistant Director
Administration of State and
Local School Systems

Enclosures (2)

APPENDIX D

LIST OF CHIEF STATE TRANSPORTATION OFFICERS

ASSISTING IN THE INVESTIGATION

List of Chief State Transportation Officers
Assisting in the Investigation

1. KANSAS

Harold Pellegrino
Assistant Engineer of Safety
State Highway Commission
Topeka, Kansas

R. R. Ireland
Engineer of Traffic
State Highway Commission
Topeka, Kansas

Ralph Stinson
State Department of Public Instruction
State House
Topeka, Kansas

2. OKLAHOMA

Wesley Camp
Director of Transportation Division
State Department of Education
Oklahoma City, Oklahoma

3. IOWA

W. T. Edgren
Director, Division of Transportation
State Department of Public Instruction
Des Moines 19, Iowa

4. MONTANA

K. W. Bergan
Supervisor, School Transportation
State Department of Public Instruction
State House
Helena, Montana

5. MISSOURI

Hubert Wheeler
Commissioner of Education
State House
Jefferson City, Missouri

Arthur L. Summers, Director
District Reorganization and Transportation
State House
Jefferson City, Missouri

6. NEBRASKA

F. B. Decker
Deputy Superintendent
Department of Public Instruction
Lincoln 9, Nebraska

7. COLORADO

Mrs. Marguerite R. Juchem
Supervisor of Secondary Education
Office of Commissioner of Education
State Capitol
Denver 2, Colorado

Eurtis E. Taylor
Office of Commissioner of Education
State Capitol
Denver 2, Colorado

APPENDIX E

SELECTED LETTERS RECEIVED FROM

TRANSPORTATION OFFICERS

STATE HIGHWAY COMMISSION
OF KANSAS
Topeka

June 26, 1951

Dear Mr. Page:

There is no difference in the regulations between school buses and activity buses used to transport school students in the state of Kansas.

All laws and regulations governing school pupil transportation in Kansas also govern the use of activity buses. At the present time, The Laws and Regulations Governing School Pupil Transportation in Kansas is being revised. If you desire a new copy of these regulations, please notify this department in about 30 days.

We feel that school bus transportation in Kansas is at a high degree of efficiency. The last legislature passed a new law requiring all traffic to stop when school students are loading or unloading from a school bus.

We might recommend that there be state inspectors for school buses so that all school buses in the state would be inspected, but at the present time the Highway Patrol is charged with this responsibility. It is impossible for them to check all buses in the state each year.

If we may be of further assistance to you at any time, please notify us.

Thank you for your interest in safe school transportation.

Very truly yours,

R. R. Ireland
Engineer of Traffic

/s/HAROLD PELLEGRINO
Ass't. Engineer of Safety

HP-1s

STATE HIGHWAY COMMISSION
OF KANSAS
Topeka

June 27, 1952

Dear Mr. Page:

The information that you requested follows:

(1) The school bus regulations are prepared by the Traffic Department of the State Highway Commission. The safety division which is within the Traffic Department prepares the regulations with some assistance from other divisions of the department.

(2) Information regarding school bus transportation or regulations can be obtained by addressing the Traffic Department to the attention of the writer or Harold Pellegrino, Ass't. Safety Engineer, who handles most of the work connected with school bus regulations.

(3) It might be advantageous from the safety standpoint to reserve national school bus chrome for school buses only, but I know of no way to accomplish this. So far as I know there is no legal way that a color can be reserved for one specific purpose. I do not believe a color can be copyrighted. For example, most fire engines are painted fire engine red but many other vehicles use the same color.

(4) There are no required reports from the states to the national government or the Superintendent of Public Instruction.

(5) This question is rather hard to answer with a blanket opinion. Some schools provide very adequate transportation while the transportation furnished by others could be improved very much. We believe that our present law requiring school buses to meet specific standards, in general, has operated very successfully. Since the control of the buses is under the local boards of education you will always find considerable variation just as the efficiency of teaching personnel and physical school equipment varies in different schools. At this time we have no specific recommendations for improvement in either our statutes or bus regulations.

If we can give you any more information, please do not hesitate to write.

Very truly yours,

RRI:wu

/S/R. R. IRELAND
Engineer of Traffic

STATE OF NEBRASKA
Department of Public Instruction
State Capitol
Lincoln 9

February 16, 1951

Dear Mr. Page:

At the present time Nebraska has no rules or regulations governing school bus standards; therefore, we are unable to send you most of the information requested.

However, we are enclosing a copy of the laws governing the uniform inspection of school busses, made by the State Safety Patrol twice each year.

Yours very truly,

/s/F. B. DECKLER
State Superintendent
of Public Instruction

ml

STATE COMMITTEE FOR REORGANIZATION OF SCHOOL DISTRICTS
State Capitol
Lincoln 9, Nebraska

July 10, 1952

Dear Mr. Page:

In your letter of July 4 you ask about statutes 39-719 to 39-724. These statutes have to do with trucks and commercial buses and relate to the length, width, etc., of such vehicles. Statutes 60-301 to 60-343 relate to the licensing of the above mentioned vehicles.

You state that you have copies of School Laws 79-488 and 39-725. Enclosed is a copy of School Law 79-488 which relates to school buses.

The state of Nebraska does not have a pamphlet covering the regulations for school buses, and there is no regulating agency for school buses.

Sincerely yours,

/S/ AVERY J. LINN

AJL/hja

STATE COMMITTEE FOR REORGANIZATION OF SCHOOL DISTRICTS
State Capitol
Lincoln 9, Nebraska

June 19, 1952

Dear Mr. Page:

Your letter concerning school bus transportation has been given to me for reply. In your letter you list five questions for discussion.

1. I am not sure that I completely understand your first question. In the state of Nebraska we have laws regulating certain phases of school bus transportation. I would presume that the State Department of Education would be considered as the agency of regulation for school bus transportation, although we have no code or specific regulations concerning school buses.

2. Much of the information on school bus transportation is handled through my office.

4. The only recent change in the laws of this state relative to school bus transportation is a law which requires bus drivers to furnish a liability policy, the premium on which shall be paid out of the school district treasury.

5. It is my opinion that school bus transportation should be considered as an integral part of the learning experience of a child and that a school district should make every effort to hire school bus drivers who, through training, can make bus travel a definite learning experience for the children.

Sincerely yours

AJL/hja

/S/AVERY J. LINN

DEPARTMENT OF PUBLIC INSTRUCTION
Des Moines 19, Iowa

July 9, 1951

Dear Mr. Page:

In response to your letter of June 28 I am forwarding you under separate cover some mimeographed material covering the transportation program in the state of Iowa.

The Iowa program has been growing rather rapidly these last few years. It will not be long before the entire state is pretty well supplied with school transportation facilities.

If after studying the material I am sending you you have any specific questions you may wish to ask regarding the Iowa program, feel free to write me.

Sincerely yours,

/s/W. T. EDGREN, Director
Division of Transportation

WTE:gf

Encl. 7

DEPARTMENT OF EDUCATION
DIVISION OF PUBLIC SCHOOLS
City of Jefferson, Missouri

June 27, 1952

Dear Mr. Page:

I shall attempt to answer your questions as presented in your letter of June 15.

1. The State Board of Education has the authority to set up standards and regulations governing the design and operation of vehicles used for transporting public school children.
2. The State Board of Education, through the commissioner of Education, appoints a member of the State Department of Education as the director of pupil transportation.
3. I do not think it will be necessary to eliminate the use of the national school bus chrome on all vehicles except school buses. If all school buses are required to use this color, motorists will come to recognize it, and there will probably be less tendency on the part of manufacturers to use the same color for other vehicles.
4. The most recent change in laws pertaining to school buses was in 1948.
5. It occurs to me that school bus transportation could be improved considerably in our state in providing better vehicles, if the purchase of such vehicles could be secured through a state agency on the basis of bids. This would cut down the high price of vehicles to individual school districts.

Very truly yours,

/S/ARTHUR L. SUMMERS, Director
District Reorganization
and Transportation

ALS/lk

DEPARTMENT OF EDUCATION
State Capitol
Denver 2, Colorado

June 30, 1952

Dear Mr. Page:

The questions you propose in your letter of June 15, 1952, relating to school transportation are answered below in the order in which you ask them.

1. School buses are required to comply with all laws which govern other motor vehicles. In addition, the State Board of Education is empowered to provide rules and regulations which are not to conflict with existing laws. These, as provided by statute, are determined with the advice of the Motor Vehicle Division.

2. Either Dr. Burtis E. Taylor or Mrs. Marguerite R. Juchem may be contacted for further information.

3. It would simplify identification, and thus improve safety, if only school buses were of National School Bus Chrome. This could be done only by legislation and would probably meet with much opposition from commercial carriers.

4. New regulations were added to the existing ones last fall (1951).

5. Transportation in Colorado is expanding due to many new consolidations of school districts. In some instances this is happening faster than the transportation systems can keep up with it. However, studies are being made with the cooperation of this office. This should help to improve the situation, both from the standpoint of service and cost.

For your convenience, a copy of the school bus laws and regulations are enclosed.

Sincerely,

J. BURTON VASCHE
Commissioner of Education

/S/MARGUERITE R. JUCHEM
Supervisor of Secondary
Education

mrj:lm
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