

MAINE STATE LEGISLATURE

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April 4, 1916

To Hon. Payson Smith, State Superintendent of Schools
Re: Transportation of Pupils

Replying to your inquiry with regard to conveyance of school pupils. . . it is, of course, the duty of the school board in each town to provide transportation for school pupils to and from school when such transportation is necessary.

The whole purpose of the common school law is to so arrange matters that every child in the state may have a reasonable opportunity to acquire at least an elementary education. Transportation of pupils was arranged for under our law in order to avoid maintaining a large number of poorly attended schools. The statute leaves a very large measure of discretion indeed with regard to transportation with the school board but it does not intend that simply because school children are scattered and the transportation somewhat expensive and burdensome such children should be deprived of the opportunity to attend school. A general vote on the part of the school board to cut out transportation entirely regardless of conditions would certainly not be exercising discretion which the law assumes the board will exercise.

In my opinion the town would not only be doing an injustice to certain school pupils but would be inviting expensive and unprofitable litigation unless through the medium of its school board it made reasonable transportation to and from school where such transportation was obviously necessary. . .

William R. Pattangall
Attorney General