I am, therefore, answering your question in the affirmative that the Beech Grove Independent is entitled to receive for publication and to publish all notices required by law to be published relating to the civil or school business of the City of Beech Grove.

PAROCHIAL SCHOOL CHILDREN: Transportation by School Trustees when additional conveyances would be required on established School Routes—Chapter 54, Acts 1933 construed.

November 25, 1936.

Hon. Grover Van Duyn,
Assistant Superintendent of
Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have at hand your recent letter requesting an official opinion regarding the duty of a township trustee in the matter of furnishing transportation for children in the St. Vincent Orphanage who are attending a parochial school in the city of Vincennes. You state that the entire eighth grade from the orphanage is being sent to the parochial school referred to, and that a regular public school bus route is operated near the site of the orphanage, but that transportation of this group of children would necessitate the use of another bus and the contracting of another bus driver. You ask whether the township trustee is obligated to transport the parochial school children under the circumstances related.

The statute applicable to this matter, and in fact the only statute either authorizing or requiring the transportation of parochial pupils in public school conveyances, is Section 1, Chapter 54, Acts of 1933 (Section 28-2805, Burns 1933 Indiana Statutes). So much of the statute as pertains to the matter under inquiry reads as follows:

"* * * Where school children who are attending any parochial school in any school corporation of this state reside on or along the highway constituting the regular route of a public school bus or conveyance, the school trustee shall afford transportation, without extra
charge, by means of such school bus or conveyance, for the children attending any such parochial school, from their homes, or from some point on the regular route nearest or most easily accessible to their homes, to such parochial school, or to the point on such regular route which is nearest or most easily accessible to such parochial school.” (My italics.)

So far as your inquiry concerns the right to free transportation, under the foregoing Section, on the part of parochial school children who are living in an orphanage rather than in their homes, this matter was discussed and fully answered in my opinion to you under date of November 6, 1936. My former opinion, however, did not discuss the right of parochial pupils, generally, to free transportation, where affording such transportation would require the use of an additional bus and the services of an additional bus driver.

If will be noted that the right of parochial pupils to free transportation, furnished by the proper school trustee or trustees, depends upon their residing “on or along the highway constituting the regular route of a public school bus or conveyance.” In such event, it becomes the duty of the proper school trustee or trustees to furnish such parochial pupils free transportation “by means of such school bus or conveyance.” (My italics.) The phrase last quoted obviously refers to the school bus or conveyance already being operated over such regular, established route, and neither requires nor authorizes the school trustee or trustees to place any additional bus on the route in order to accommodate parochial pupils otherwise eligible for transportation.

Apparently the legislature only intended to extend the privilege of free transportation to parochial pupils where they could be accommodated in the bus or conveyance already in use on such regular route, as otherwise there would have been no purpose in inserting the limiting phrase, “by means of such school bus or conveyance.” Conversely, if the legislature had intended to impose an unqualified duty on the respective school trustees to afford transportation for parochial school children, regardless of whether or not additional busses would be required for such purpose, then this result would have been accomplished simply by omitting the phrase in question.
As stated in my opinion of November 6th, referred to above, the township trustee is not obligated in any event to furnish transportation for the parochial school children living in the orphanage. Furthermore, as to parochial school children generally, living in their own homes, it is my opinion that the proper school trustees are only obligated to furnish transportation for such number of them as can be accommodated in the school bus already in operation over the regularly established school route in question.

DEPARTMENT OF PUBLIC WELFARE: Salary and expenses of staff members of County Department, how fixed. Method of fixing salary of staff members of County Department. Expenses of staff members of County Department, how fixed.

November 27, 1936.

Mr. Wayne Coy,
Acting Administrator,
Department of Public Welfare,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Mr. Coy:

Your request of November 4, 1936, for an official opinion in answer to certain questions is at hand.

In connection with the opinion given William P. Cosgrove, State Examiner, on July 3rd of this year, you ask for a further interpretation of Section 24 of The Welfare Act of 1936, and you propound the following questions:

"1. Can a County Director and County Board of Public Welfare employ a staff member and fix his compensation 'at $.... per month and ....% per mile for each mile necessarily traveled in the performance of his duties', instead of making the expense allowance a fixed total sum?

"2. Can a County Director and County Board of Public Welfare employ a staff member and fix his compensation 'at $.... per month salary and $.... per month for expense of a car', making the expense item a fixed total sum irrespective of the miles traveled?"