



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 10, 2023

Ryan Revere, Esq.
Attorney, South Panola School District
Post Office Drawer 1586
Batesville, Mississippi 38606

Re: Transportation on Public School Buses

Dear Mr. Revere:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, some of the bus drivers for the South Panola School District (“District”) provide care for their children, grandchildren, or wards who are students in the District (“children”). These bus drivers may not be able to provide care for these children if they need to operate the buses to transport other students to events in connection with the District’s educational program. It would be beneficial to the District and its students if these drivers were allowed to transport these children to these events with them.

Questions Presented

1. May children under the care of the bus drivers ride the District’s publicly owned school buses to school-related events if those children are not participants in those events?
2. If not, may the District allow those children who are District students to ride the buses to school-related events under Mississippi Code Annotated Section 37-41-5 due to the extraordinary circumstances and conditions present with the scarcity of bus drivers?
3. If the answer to the first two questions is no, is there any other applicable law which would allow for the transportation of such children on the District’s publicly owned buses to school-related events?

Brief Response

1. No. Transportation provided pursuant to Section 37-41-27 is limited to students participating in the event.
2. No. Section 37-41-5 only applies to the transportation of students *to school* due to extraordinary circumstances or conditions.
3. There is no statutory authority that allows a student who is not participating in a school-related event to ride a school bus simply because their parent, grandparent, or guardian is driving the school bus.

Applicable Law and Discussion

Public school students who live one mile or more from their school are entitled to transportation between their homes and school pursuant to Section 37-41-3. Title 37, Chapter 41 provides limited circumstances in which school buses may be used for additional purposes. *See* Miss. Code Ann. §§ 37-41-3 (allowing transportation of handicapped children not otherwise entitled to transportation and junior college students) and 37-41-27(1) (allowing transportation in connection with 4-H Clubs). It is unlawful to transport students on public school buses who are not entitled to such transportation. Miss. Code Ann. § 37-41-21.

Section 37-41-27(1), which you cite in your request, provides, in part:

The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of *participating students*, teachers, coaches and sponsors in connection with athletic events, events of boys' and girls' clubs, events of Future Farmers of America or 4-H Clubs and special events in connection with the schools which the boards may consider a part of the educational program.

(Emphasis added). According to the plain language of this statute, this provision is specific to students who are participating in the athletic or extra-curricular event. As we understand your request, you are asking about students who are not participants in an event. Thus, in response to your first question, it is the opinion of this office that Section 37-41-27(1) does not permit students who are not participants to ride the school bus to athletic or extra-curricular events.

Your request also cites Section 37-41-5, which allows the local school board and board of supervisors to expend local funds to provide transportation, under extraordinary circumstances, to students not otherwise entitled to transportation under Section 37-41-3. However, this is limited to transportation “*to the public school[]*.” Miss. Code Ann. § 37-41-5 (emphasis added). It does not include transportation to school-related events as described in your request. In response to your second question, Section 37-41-5 does not authorize the District to transport these children to school-related events.

Ryan Revere, Esq.

May 10, 2023

Page 3

Your third question asks whether there are any other applicable laws that would allow for the transportation of these children on the District's publicly owned buses to school-related events. Whether there is any circumstance in which the District would be permitted to lawfully transport these children is too broad of a question to answer by official opinion. However, there is no statutory authority that allows a student who is not participating in a school-related event to ride a school bus simply because their parent, grandparent, or guardian is driving the school bus.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard

Special Assistant Attorney General

OFFICIAL OPINION