



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

October 14, 1965

Mr. Henry Wade  
District Attorney  
Dallas County  
Dallas, Texas

Opinion No. C-526

Re: Construction of Article  
2922-15, Vernon's Civil  
Statutes, relative to  
operation of School  
Buses.

Dear Mr. Wade:

We quote from your letter requesting an opinion from this office in part as follows:

"The Dallas County Board of School Trustees does operate a transportation system within Dallas County. These buses are operated for the purpose of transporting eligible pupils to and from their school buildings. When there is no conflict with the regular bus schedule, the buses are operated for field trips necessary for 4-H Club work and for transporting of athletic teams and other organized groups sponsored by schools involving school activities.

'The Dallas County School Office is very pleased to render this service for the children of the various schools, provided it is legal in every sense. We observe the same general policies in rendering this service that we do in transporting pupils from home to school and return.

'(1) First consideration is given to the safety of children. The driver must be capable and the bus must be safe. No insurance is carried on Dallas County school buses or on the children who ride them.

'(2) We get no special permits from city or other authority to travel over the streets and highways.

Mr. Henry Wade, page 2 (C-526)

'(3) We deal only with an authorized official of the school district and accept payment on a cost basis only from the organization for which this service has been rendered.

'(4) Only school children and school teachers are eligible to ride at any time.

'Is the above procedure legal in all respects?

'Are the members of the County Board of School Trustees, individually or collectively, liable in any way when Dallas County school buses are operated as indicated above?'"

Section 2 (1), Article 2922-15, Vernon's Civil Statutes, provides in part as follows:

"Sec. 2. (1) The County Boards of School Trustees of the several counties of this state, subject to the approval of the State Commissioner of Education, are hereby authorized to establish and operate an economical public school transportation system within their respective counties. In establishing and operating such transportation systems, the County Boards of School Trustees shall: (1) requisition buses and supplies from the State Board of Control as provided for in this Article; (2) prior to June 1st of each year, with said Commissioner's approval, establish school bus routes within their respective counties for the succeeding school year; (3) employ school bus drivers; and (4) be responsible for the maintenance and operation of school buses. State warrants for transportation shall be made payable to the County School Transportation Fund in each county for the total amount of transportation funds for which the county is eligible under the provisions of this Act.

"Provided, however, that when requested by the Board of Trustees of an independent school district, the County Board of School Trustees shall authorize such independent district to: (1) employ its school bus drivers; (2) be responsible for the maintenance and operation of its school buses; and (3) receive transportation payments direct from the state. When

Mr. Henry Wade, page 3 (C-526)

the County School Superintendent reports such authorization to the State Commissioner of Education, state warrants for transportation funds for which the district is eligible shall be made to the District Transportation Fund, which is hereby created.

"The County Boards of School Trustees and the State Commissioner of Education shall promulgate regulations in regard to the use of school buses for purposes other than transporting eligible pupils to and from their classes.

" . . . "

The regulations promulgated under the authority of Section 2 (1), by the State Board of Education in regard to the use of school buses for purposes other than transporting eligible pupils to and from their classes is stated as follows:

"The policy of the State Board of Education with reference to transportation of pupils in the public free schools of Texas in vehicles, the ownership, operation, or maintenance of which involved in whole or in part, funds provided under the Foundation School Program Act, shall be: (a) The use of such vehicles shall be limited to the transportation of children who are enrolled and in bona fide attendance in the public free schools of Texas, teachers, and other personnel employed by the school district; and (b) State funds shall not be provided for transportation to any school district not abiding by the limitations prescribed in this motion."

"The use of school buses for extra-curricular activities is definitely a part of the school program. The unit concerned, either the county or the district, shall establish appropriate regulations for the use of buses for all extra-curricular activities. Such regulations are subject to review and approval by the State Commissioner of Education. These regulations should be in written form and available for transportation audits. Extra-curricular expenses are not to be paid from transportation funds." (Emphasis supplied).

In addition, the Handbook for Local School Officials, which is sent to all district and county superintendents, contains

Mr. Henry Wade, page 4 (C-526)

the following statement:

"'Extra-curricular school bus use regulations may be considered approved unless evidence of willful misuse of discretion by local school officials is brought to the Commissioner's attention.'"

With regard to the extra-curricular use of school buses, there is no conflict between those regulations promulgated by the county superintendent of public instruction for Dallas County and those regulations promulgated by the State Board of Education. It is our opinion that neither group of regulations violates any of the provisions of Article 2922-15, Vernon's Civil Statutes, and therefore each group is valid. Consequently, it is our opinion that the operation of Dallas County school buses in accordance with those regulations promulgated by the Dallas County Board of School Trustees with regard to the extra-curricular use of school buses is an authorized use of school buses under the provisions of Article 2922-15, Vernon's Civil Statutes. It is our further opinion that the members of the County Board of School Trustees, individually or collectively, are not liable in any way, when the school buses are operated in accordance with the outlined procedure.

#### S U M M A R Y

The operation of Dallas County school buses in accordance with those regulations promulgated by the Dallas County Board of School Trustees with regard to the extra-curricular use of school buses is an authorized use of school buses under the provisions of Article 2922-15, Vernon's Civil Statutes. The members of the County Board of School Trustees, individually or collectively, are not liable in any way, when the school buses are operated in accordance with the outlined procedure.

Very truly yours,

WAGGONER CARR  
Attorney General

By:

  
Ivan R. Williams, Jr.  
Assistant

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Mr. Henry Wade, page 5 (C-526)

APPROVED:  
OPINION COMMITTEE

W. V. Geppert, Chairman  
Pat Bailey  
Roy Johnson  
Paul Phy  
George Gray

APPROVED FOR THE ATTORNEY GENERAL  
BY: T. B. Wright