

AN HISTORICAL STUDY OF THE LAWS OF
PUPIL TRANSPORTATION IN THE STATE
OF KANSAS FROM 1901 TO 1965

by

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INTRODUCTION

School administrators find that their responsibilities change from year to year. Thirty years ago pupil transportation was a minor concern of most school districts. In these early years most pupils walked to school or were transported by their parents. The consolidation and unification of school districts has resulted in greater need for pupil transportation. The need for transportation has resulted in legislation to set up guide lines for its development.

PURPOSE

The purpose of this study was (1) to trace the development of, and categorize, legislation concerning pupil transportation since the turn of the century until the present time, in the state of Kansas and (2) to present the legal requirements for school district operation and maintenance of pupil transportation as defined by existing Kansas statutes.

DELIMITATION

It was the intent of the study to limit detail to that defined by the legal statutes and their progressive application to the transportation of pupils in the public school districts of Kansas. The study was statewide as far

as the statutes provided.

PROCEDURE

In preparation for this study a review of the pertinent literature was made. The Laws of Kansas, as found in the library at Kansas State University, were reviewed for the years 1901 to 1963. The laws passed by the 1965 session of the legislature were obtained from the Kansas Association of School Boards, Topeka, Kansas.

The laws were searched and those pertaining to pupil transportation were selected for further study. The accuracy of the search was checked by comparing the results with the School Laws of Kansas published for various years between 1901 and 1963 by the state superintendent of public instruction. The laws were analyzed and are presented in this report.

REVIEW OF LITERATURE

The history of school transportation can be traced back to 1839 when Horace Mann first recommended it to the Massachusetts Board of Education. The Massachusetts Legislature passed an act on April 1, 1868, which authorized communities to levy a special tax for the purpose of trans-

porting pupils to and from school.¹

In 1869 school children in Massachusetts were brought to school in horse-drawn carts and carriages, parents were reimbursed for transportation out of school funds. This represented the first form of subsidized pupil transportation.²

During the next twenty years only five states passed laws authorizing free transportation of pupils. In 1906 a report was made by the Committee of Twelve of the National Education Association recommending that the cost of pupil transportation be paid from public funds.³

One of the basic factors contributing to the development of school transportation was the organization of rural America. The American farmer, unlike the farmer of Europe, lives on the land he tills and thus the residences of farm people were scattered. This presented a need for some kind of transportation if school attendance was to be possible.⁴

¹Calvin Grieder, Truman M. Pierce, and William E. Rosenstengel, Public School Administration, (New York: The Ronald Press Company, 1961), pp. 285-86.

²Emery Stoops and M. L. Rafferty Jr., Practices and Trends in School Administration, (Boston: Ginn and Company, 1961), p. 278.

³Grieder, Pierce, and Rosenstengel, loc. cit.

⁴Chester W. Harris (ed.), An Encyclopedia of Educational Research (3rd Edition), (New York: The Macmillan Company, 1960), pp. 1543-44.

Stoops and Rafferty list other factors that have stimulated pupil transportation. These factors include consolidation of school districts, increased state aid for transportation, improvement of roads and buses, decline of the importance of the small community and universal compulsory school attendance laws.¹

Grieder, Pierce and Rosenstengel point out that the feeling of many lay and professional persons throughout the country is that all children, regardless of where they live, should have an opportunity to succeed in school work.²

The above factors and the advent of the motorbus started pupil transportation on its road to importance. The growth of pupil transportation has been rapid. In 1926 there were approximately 32,500 buses, transporting about 875,000 pupils daily.

By 1957, 10,080,000 pupils were transported daily in 150,150 buses.³ In 1960, this figure had grown to 12,541,000 pupils transported in 187,000 vehicles at a cost to the public of more than 450,000,000 dollars. Today's school buses carry more passengers than any other transportation

¹Stoops and Rafferty, op. cit., pp. 278-79.

²Grieder, Pierce, and Rosenstengel, op. cit., p. 287.

³Grieder, Pierce, and Rosenstengel, op. cit., p. 286.

system in the world. They travel more than 818,000,000 miles per school year.¹ Roe predicts a 20 per cent increase in school transportation by 1971.²

It is generally recommended that school buses be publicly owned. Many states are prescribing standards for school buses and their operation.

The school bus driver is receiving more statutory attention in most states, although the requirements in many states are meager.³ A majority of states have statutes setting age and regulations concerning physical fitness. A special license is required in 37 states.⁴

Stoops and Rafferty recommend that bus routes be drawn up with care. Most states' law expect children living less than two miles from school to walk. Certain hazards may require these children to be transported. Most states allow a wide latitude to local districts in determining bus

¹William H. Roe, Administration in Education, (New York: McGraw-Hill Book Co., Inc., 1961), p. 228.

²Roe, op. cit., p. 245.

³Benjamin F. Pittenger, Local Public School Administration, (New York: McGraw-Hill Book Co., Inc., 1951), pp. 290-91.

⁴Murray, John B. and Murphy, Louise R. "Auxiliary" Service Now Costs Millions." American School Board Journal. 148:33-34.

runs and stops.¹

Financing pupil transportation has been a local district matter although at present more than three-fourths of the states, through statutes, now provide some form of aid and all states authorize the expenditure of local funds by districts for this purpose.²

These four areas; authority, bus operation, bus routes, and finance; have been the subject of much legislation in the United States. Because of this, most of this study will concern itself with these areas.

THE STUDY

Legislation Authorizing Transportation in Kansas

The first legislative act relating to school transportation in Kansas after the turn of the century came in 1901. This act applied to all school districts and allowed compensation to parents for transporting pupils.

The laws of 1901, Chapter 307, Section 12, state:

That in any school districts where there are pupils residing three or more miles from the school house, the school board of such districts shall allow to the parent or guardian of such pupils a sum not to exceed fifteen cents per day for not to exceed one hundred days

¹Stoops and Rafferty, op. cit., pp. 282-83.

²Stoops and Rafferty, op. cit., pp. 284-85.

in each year as compensation for conveying such pupils to and from the school: Provided, that no such compensation be allowed unless the pupil is actually conveyed to and from the school.¹

Chapter 305, Section 2, of the laws passed in 1901, also provided for the transportation of children when two or more adjacent school districts decided to unite to form a single school district. The law reads as follows:

The board of directors herein before mentioned are hereby authorized to provide for the transportation of the children living two or more miles from the school to and from the schoolhouse in the district under such rules and regulations as said board of directors may prescribe, and it shall have such general powers and duties as are provided by law for school district boards.²

These two laws provided a base from which has grown a series of laws covering many facets of school transportation.

The legislative sessions of 1903 and 1905 were not productive as far as laws relating to transportation were concerned.

Chapter 327, Section 1, of the 1907 Laws of Kansas repealed Chapter 307, Section 12 of the laws of 1901 and restated the law to allow a school board to pay fifteen

¹Kansas. Laws, Statutes, etc., Session Laws, 1901, Chapter 307, Section 12, p. 565.

²Kansas. Laws, Statutes, etc., Session Laws, 1901, Chapter 305, Section 2, p. 559.

cents per day to parents transporting children over two and not over three miles and also provided that the district shall pay fifteen cents per day for transporting those pupils who live over three miles from the school for not over one hundred days when the children are actually transported.¹

The legislature of 1911 advanced pupil transportation further by legalizing transportation for all pupils living two miles or more from the school to which they are sent when a school is discontinued. The law provided that the pupils would be transported in a conveyance that is safe, comfortable and properly heated.²

Chapter 273 of the laws of 1911 provided that a district board may provide comfortable transportation for any of its pupils living two and one half or more miles from school.³

Much legislation passed after 1911 was limited to a certain type of district or types of districts. An example

¹Kansas. Laws, Statutes, etc., Session Laws, 1907, Chapter 327, Section 1, pp. 498-99.

²Kansas. Laws, Statutes, etc., Session Laws, 1911, Chapter 268, Section 9, pp. 495-96.

³Kansas. Laws, Statutes, etc., Session Laws, 1911, Chapter 273, Section 1, p. 501.

of this was Chapter 275, Section 3, of the laws of 1911, which authorized consolidated school districts to provide transportation for pupils living two or more miles from school in a conveyance that is safe, comfortable and enclosed.¹

Chapter 276, Section 1, of the laws passed in 1917, gave consolidated districts the option of paying parents of pupils living two or more miles from the school a just and proper sum not to exceed twenty-five cents per day in lieu of the district furnishing transportation. Section 2 goes on to imply that a consolidated district that is transporting pupils may be using a laid out bus route.

The reader will note this as he reads Chapter 276, Section 2:

In cases where it is impracticable to reach certain places by a laid out route of travel, said school district boards may fix a compensation for the carrying of pupils living in such out of the way places, to reach the regularly laid out route and such compensation shall be paid to the parents of such pupils whenever such special regulations shall be approved by the county school superintendent.

The preceding law also authorizes parents of pupils who live away from the bus route compensation for transporting the pupils to the bus route. Section 3 of Chapter

¹Kansas. Laws, Statutes, etc., Session Laws, 1911, Chapter 275, Section 3, pp. 502-03.

276 repeals Section 3 of Chapter 275 of the laws of 1911.¹

The legislature of 1917 also provided that any school district could transport any pupil who lived two or more miles from school. The legislature provided that districts shall transport those pupils living three or more miles from the school attended or in lieu of this the district could pay the parents a sum of not less than fifteen cents per day for transporting the pupil. The law provided further that when pupils of two or more families are transported together each family will be paid. The law provided a compensation of twenty-five cents per day for parents who transport pupils living five or more miles from the school. Section 2 provided that a district shall transport pupils when school is discontinued if the pupil lives two or more miles from the school he will be attending or in lieu of this the district may pay the parents for transporting the pupil a sum not to exceed the cost of transportation if the district was furnishing transportation.²

The law of 1929 in Chapter 242, Section 1, provided

¹Kansas. Laws, Statutes, etc., Session Laws, 1917. Chapter 276, Sections 1, 2, and 3, p. 401.

²Kansas. Laws, Statutes, etc., Session Laws, 1917, Chapter 277, Sections 1 and 2, pp. 402-09.

authority for certain districts to use public funds to pay for transporting any grade or high school pupil to a school maintained by any other board of education or another district under such conditions as may be agreed upon by the districts or boards of education involved.¹

Legislation was passed in 1929 permitting community high school districts in counties with a population of less than 8,000 inhabitants to provide transportation for their pupils who live three or more miles from the high school. In lieu of this the district was allowed to pay parents a sum not to exceed one dollar per day. The law also allowed the district to establish regular routes for the transportation of pupils.²

The laws of 1933 provided authority for any district to transport pupils over two miles from school. The law also provided that any district shall transport pupils living three or more miles from school or may pay the parents not less than fifteen cents per day for furnishing transportation, for pupils living over five miles away from school twenty-five cents per day. The compensation was to

¹Kansas. Laws, Statutes, etc., Session Laws, 1929, Chapter 242, Section 1, pp. 408-09.

²Kansas. Laws, Statutes, etc., Session Laws, 1929, Chapter 240, Section 2, pp. 406-07.

be paid only when the pupils were actually transported. The law amended previous legislation relating to any district.¹

The legislature of 1933 amended Chapter 240, Section 1 of the laws of 1921 to allow community high schools in counties with not less than 20,000 or more than 30,000 inhabitants and not having a city of the first class to provide transportation for their pupils residing three or more miles from the high school.²

The legislature of 1937 extended the transportation privilege to community high schools in counties having not less than 20,000 or more than 30,000 population and in which were located one or more first class cities and no second class cities.³ The laws were further revised to authorize community high school districts to establish regular bus routes. The districts were also permitted to transport pupils of other districts who live closer to the community high school than to the school they were attending, provided the distance was greater than three miles. This latter

¹Kansas. Laws, Statutes, etc., Session Laws, 1933, Chapter 252, Section 1, pp. 388-89.

²Kansas. Laws, Statutes, etc., Session Laws, 1933, Chapter 260, Section, p. 399.

³Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 295, Section 1, pp. 476-77.

change applied to those districts in counties having a population of not less than 20,000 nor more than 27,000 and those with less than 8,000 inhabitants and not having a first class city.¹

In 1945 an amendment was passed that applied to Chapter 277, Section 1, of the laws passed in 1917. This changed the minimum sum paid for parents transporting their own children five or more miles to twenty-five cents per day.²

The legislature, in 1947, passed a general law relating to transportation revising previous laws. Each section of this legislation will be considered separately as it relates to this area of the study.

Section 2 authorizes transportation of all pupils by all school districts.

Section 3 authorizes transportation of grade and high school pupils to another school district upon agreement of the governing bodies of the districts involved.

Section 4 allows school districts to establish regular bus routes and provides for compensating parents of

¹Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 300, Section 1, p. 484.

²Kansas. Laws, Statutes, etc., Session Laws, 1945, Chapter 286, Section 1, pp. 503-04.

pupils living over one mile from the bus route for transporting pupils to the bus route. The compensation is fixed at five cents per mile, not to exceed two round trips per day. If the governing board feels that five cents is insufficient because of extraordinary circumstances they may file an application requesting an increase with the county superintendent. The county superintendent is given the power to approve, disapprove, or amend and approve, but not increase, all such applications.

Section 7 allows a district to contract and transport pupils of another school district.

Section 8 requires all school districts to pay for transporting kindergarten and elementary pupils who live two and one half miles from school if they are not transported by the district. The payment is to be at the rate of five cents per mile for two round trips per day and will be paid to the person furnishing the transportation. If more than one pupil is transported the compensation will be for only one pupil. The county superintendent is authorized to allow payment of over five cents per mile upon application of the governing board of a district.

Section 9 prohibits payment under Section 8 when a child resides within the corporate limits of any city.

Section 10 allows common-school districts not maintaining a high school to transport high school pupils to a

high school in another district.

Section 11 authorizes certain common-school districts that maintain high schools to transport pupils from an adjoining district that does not have a high school provided both districts have within their boundaries a city of the third class.

Section 12 allows rural or community high school districts to pay a person for transporting high school pupils who live two and one half or more miles from the high school five cents per mile. The compensation is limited to a maximum of two round trips per day.

Section 13 authorizes any district with an accredited high school which is located in a county having not less than 20,000 nor more than 27,000 inhabitants and which does not have a city of the first class but does have a community high school district to establish regular bus routes to transport pupils in its district as well as pupils in other districts where the pupil's residence is closer to the community high school, provided the distance is greater than three miles.

Section 14 allows any school district to use public funds to pay for transporting pupils.

Section 16 authorizes districts to make necessary rules and regulations to carry out the provisions of this law.

Section 18 allows districts to provide transportation for pupils to another district when their residence is more convenient or at a more reasonable distance from the other district. The district boards concerned must file an agreement with the county superintendent.¹

The 1951 legislature amended Section 18 of Chapter 359 of the laws of 1947 to allow common school districts to transport pupils, incase they live at an inconvenient or unreasonable distance, to another district in the county, another county, or another state.²

The 1965 legislature allowed every unified district to transport all pupils, every school day, who live two and one half or more miles from school and outside the corporate limits of a city.³

Taxes

The laws have given schools authority to transport pupils and use public funds to pay for such transportation

¹Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Sections 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, and 18, pp. 614-19.

²Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Section 18, p. 642.

³Senate Bill 402, Section 43, 1965 Session of the Kansas Legislature.

in several pieces of legislation over the years.¹

Governing boards were given authority to purchase buses or to contract for buses and hire competent operators to transport pupils in 1941.²

Authority was given to any school district to levy a tax, not to exceed two mills, during the years 1947 and 1948, for the purpose of providing funds to pay the cost of transporting pupils. The levy was to be in addition to all other tax levies authorized. The funds from this levy were to be placed in a special transportation fund.³

The above law was amended in 1949 to make the two mill levy an annual tax for financing transportation.⁴

Chapter 319, Section 2, of the laws passed in 1949 instructs boards to place surplus funds collected under the special transportation levy in the general fund.⁵

The 1949 legislature authorized elementary school districts, grades one to eight, to add an additional five

¹Kansas. Laws, Statutes, etc., Session Laws, 1929, Chapter 242, Section 1, pp. 408-09.

²Kansas. Laws, Statutes, etc., Session Laws, 1941, Chapter 331, Section 1, pp. 532-33.

³Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Section 17, p. 618.

⁴Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 357, Section 2, pp. 619-20.

⁵Kansas. Laws, Statutes, etc., Session Laws, 1948, Chapter 391, Section 2, p. 677.

dollars per month per pupil in computing state aid from the elementary school finance fund. The pupil was to live outside the city limits and over two and one half miles from the school attended and actually be transported.¹ This law was repealed by the 1965 legislature.²

The legislature of 1953 authorized the governing board of any school district to transfer from the general fund or from the transportation fund, a sum not to exceed ten percent of the amount of money credited to the fund or funds and this money was to be used to set up a special fund. The special fund was to be used for the purpose of acquiring or purchasing school buses to be used for the transportation of pupils. The law also authorized governing boards to retransfer to the fund from which money was taken, all surplus funds in the special fund.³

Insurance

The legislature of 1955 gave governing boards the authority to purchase motor vehicle liability insurance,

¹Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 358, Section 5, pp. 623-25.

²Senate Bill No. 281, 1965 Session of the Kansas Legislature.

³Kansas. Laws, Statutes, etc., Session Laws, 1953, Chapter 348, Section 2, pp. 648-49.

driver liability insurance, and passenger medical payments insurance for the protection and benefit of those officers and employees responsible for the operation of vehicles operated and controlled by them. The law also authorized the governing board to waive its governmental immunity from liability by reason of death, or injury to persons or property approximately caused by the negligent operation of any motor vehicle by an officer, agent, or employee when acting within the scope of his authority or within the course of his employment. Such immunity was waived only to the extent of the amount of the insurance coverage. Any person sustaining damages, or in case of death, his personal representative, may sue for damages in any court of competent jurisdiction in this state, in the county where the district was located. The law states further:

...and it shall be no defense to any such action that the operation of such motor vehicle, by such officer, agent or employee, was in pursuance of a governmental, municipal or discretionary function of such municipality, if and to the extent, such municipality has insurance coverage as provided in this act.

The above law applies to any municipality, which means county, city, township, municipal university, drainage district and any other political subdivision or taxing districts of the state.¹

¹Kansas. Laws, Statutes, etc., Session Laws, 1955, Chapter 248, Sections 1, 2, 3, and 5, pp. 517-19.

The legislature of 1961 passed certain laws pertaining to transportation in unified school districts allowing them to levy up to five mills for a special transportation fund in the case of districts that were created as a result of the disorganization of a rural high school district located, all or part, in a county having a population of 175,000 to 275,000 and to each common-school district which is located, all or in part, in the rural high school district.¹ This was amended in 1963 and raised from five mills to seven mills.²

The legislature also authorized a four mill levy for a special transportation fund for unified districts created as a result of the disorganization of rural high school districts located all or part in a county having a population of not less than 35,500 or more than 45,500 and having an assessed tangible valuation or more than eighty million dollars and less than one hundred five million dollars and each common school district all or a part of which is located in such rural high school district.³ The 1963

¹Kansas. Laws, Statutes, etc., Session Laws, 1961, Chapter 360, Sections 1 and 6, pp. 716-22.

²Kansas. Laws, Statutes, etc., Session Laws, 1963, Chapter 392, Section 3, p. 900.

³Kansas. Laws, Statutes, etc., Session Laws, 1961, Chapter 359, Sections 1 and 6, pp. 716-22.

legislature lowered this to three mills.¹

Chapter 393 of the laws passed in 1963 also authorized unified districts to transport pupils in the district or out of the district to another county or another state if their residence was at an inconvenient or unreasonable distance from the district's school. The sending district was to pay for the transportation.²

The legislature of 1965 repealed all previous laws authorizing districts to levy special transportation taxes and established a foundation fund that provided state reimbursement for a district. This was based on 70 per cent of the previous year's transportation expenses or calculated according to a formula used by the state superintendent of public instruction, whichever is the least. The reimbursement shall not be less than \$32.00 per pupil per year unless there is insufficient or more than sufficient money in the transportation fund of the state school foundation fund. In these cases the amount shall be prorated among all the districts. Distribution of state aid will be made on

¹Kansas. Laws, Statutes, etc., Session Laws, 1963, Chapter 319, Sections 1 and 3, pp. 889-93.

²Kansas. Laws, Statutes, etc., Session Laws, 1963, Chapter 393, Section 24, pp. 922-23.

December 20 of each year.¹

Section 38 of Senate Bill No. 402, 1965, allowed a common school district not maintaining a school to levy a tax to provide transportation for pupils attending school in another district.²

The 1965 legislature authorized the board of school-fund commissioners of the State of Kansas to authorize any school district to vote bonds for the purpose of purchasing buses by amending Chapter 393, Section 30, of the Session Laws, 1963. The bonds may be in addition to the other bonds the district was authorized to issue.³

Bus Routes

Kansas legislators have passed laws permitting districts to set up bus routes. Early reference was specifically made to this in 1941 in Section 2 of Chapter 331. This law reads as follows:

In the establishment of bus routes to accommodate high school pupils, grades nine to twelve, inclusive in the counties as provided in Section 1 of this act,

¹Senate Bill No. 281, Sections 7, 9, 14, and 20, 1965 Session of the Kansas Legislature.

²Senate Bill 402, Section 38, 1965 Session of the Kansas Legislature.

³Senate Bill 402, Amended Acts Section, KSA 75-2316, Section 30 and KSA 75-2315, Section 29, 1965.

no high school shall establish a bus route which extends more than the approximate halfway distance to another high school by the public highway. Provided, That in no case shall the bus route of any two high schools be so established that buses from the school traverse the same highway unless road conditions make this imperative: And provided further, That the bus routes established in all such counties shall be approved by the county superintendent and a copy of the routes filed in his office.¹

Prior to this the 1921 legislature gave permission to rural high schools to establish regular bus routes if the voters of the district so desired.²

The legislature of 1947 also made provisions for establishment of regular bus routes and allowed compensation for transporting certain pupils to the laid-out route. These provisions applied to any school district.³

Extra-Curricular Activities

The 1941 legislature authorized any school district to transport pupils to extra-curricular and other school activities. The activities listed include: academic, agriculture, speech, music, athletic contests, festivals

¹Kansas. Laws, Statutes, etc., Session Laws, 1941, Chapter 331, Section 2, pp. 532-33.

²Kansas. Laws, Statutes, etc., Session Laws, 1921, Chapter 252, Section 1, pp. 404-05.

³Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Section 4, pp. 614-15.

and others approved by the governing boards.¹

Chapter 332 of the laws passed in 1941 allowed the governing boards of common school districts, rural high school districts, community high school districts and boards of education of first, second, and third class cities to provide and use any means of school transportation, such as buses and cars, to transport pupils to school activities such as musical contests, school debates, athletic contests, museums, and other activities that were within or out of the district so long as pupils were deemed under school control and discipline and accompanied by school officials or instructors.²

The transportation laws passed in 1947 did not essentially change the laws passed in 1941.³

Limitations

The various legislatures have found it necessary to place limits on school transportation from time to time.

¹Kansas. Laws, Statutes, etc., Session Laws, 1941, Chapter 331, Section 1, pp. 532-33.

²Kansas. Laws, Statutes, etc., Session Laws, 1941, Chapter 332, Section 1, p. 534.

³Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Section 5, p. 615.

The legislature of 1941 prohibited high schools from soliciting pupils in the attendance areas of other districts. The law states that if a pupil chooses a high school other than the closest one then he must furnish his own transportation to the bus route of the high school he chooses to attend.¹

The 1945 legislature passed a law that withheld a high school's share of the county general high school fund if the high school furnished transportation for pupils not in the district without the consent of the high school district in which the pupil resided.²

The legislature of 1949 further required that the agreement be in writing between governing boards concerned.³

In 1953 the above legislation was extended to include elementary school districts.⁴

¹Kansas. Laws, Statutes, etc., Session Laws, 1941, Chapter 331, Section 3, pp. 532-33.

²Kansas. Laws, Statutes, etc., Session Laws, 1945, Chapter 290, Section 6, pp. 511-12.

³Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 382, Section 1, pp. 664-66.

⁴Kansas. Laws, Statutes, etc., Session Laws, 1953, Chapter 343, Section 1, p. 639.

Legislation Relating to School Buses

The legislature of 1927 provided that a school bus must stop at all railroad crossings, failure to obey this law could result in a fine of \$10.00 to \$100.00 and 10 to 90 days in the county jail.¹

The 1931 legislature prohibited any person under (16) sixteen years of age from driving a bus. This same law made all public corporations liable for damages due to the negligence of an operator or chauffeur except school districts.²

In 1937 the legislature amended the above law to further add that to drive a bus a person must have at least one year's driving experience and be recommended by three responsible people in order to receive a special chauffeur's license which was required for school bus operation.³

The 1937 legislature also prohibited passing a bus at over 10 miles per hour when the bus was stopped, providing the bus was plainly marked "SCHOOL BUS" in four inch

¹Kansas. Laws, Statutes, etc., Session Laws, 1927, Chapter 189, Sections 1 and 2, p. 246.

²Kansas. Laws, Statutes, etc., Session Laws, 1931, Chapter 80, Sections 6 and 23 pp. 140-45.

³Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 73, Section 5, pp. 134-35.

letters on both the front and rear of the bus. The motor vehicle commissioner was also given authority to adopt and enforce regulations to govern the operation and design of all school buses.¹

A speed limit of 35 miles per hour was set by the legislature during a 1938 special session.²

An act in 1947, required that all buses be operated in accordance with the provisions of the uniform act regulating traffic on the highways and those regulations adopted by the state highway commissioner.³

The 1949 legislature required that all school buses have safety glass in the windows of all new buses.⁴

The law allowing a 16 year old to obtain a special chauffers license and drive a school bus was revised to require the school board to submit a request for the special privilege.⁵

¹Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 283, Sections 78 and 79, p. 448.

²Kansas. Laws, Statutes, etc., Session Laws, 1938, Chapter 58, Section 2, pp. 72-3.

³Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 379, Section 15, p. 618.

⁴Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 105, Section 1, pp. 178-79.

⁵Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 104, Section 9, p. 165.

A law passed by the legislature of 1951 raised the speed limit for school buses from 35 miles per hour to 45 miles per hour.¹

The 1951 legislature also required that other motorists must stop upon approaching a school bus loading or unloading children. The law provided that buses be plainly marked "SCHOOL BUS" in eight inch letters on both the front and back of the bus. The bus was to also be equipped in such a way that "school bus" could be covered when the bus was not transporting children. This law repealed Chapter 283, Section 78, of the laws of 1937.²

The legislature of 1957 repealed Chapter 189, Sections 1 and 2 of the laws passed in 1927, and provided that a bus must stop not closer than ten feet or further than fifty feet from all railroad crossings except those in a city's limits or those controlled by an officer or traffic light. The law also provided that the driver will stop, listen and look in both directions before proceeding.³

Chapter 110, Section 1, of the laws of 1951, was

¹Kansas. Laws, Statutes, etc., Session Laws, 1951, Chapter 110, Section 1, pp. 171-72.

²Kansas. Laws, Statutes, etc., Session Laws, 1951, Chapter 113, Sections 1 and 2, pp. 174-75.

³Kansas. Laws, Statutes, etc., Session Laws, 1957, Chapter 63, Section 1, pp. 183-84.

repealed concerning bus speed limits. The school bus speed limit was left at 45 miles per hour on Kansas highways but was not fixed on the turnpike because the turnpike may set its own speed laws.¹

The 1957 legislature also amended Chapter 359, Section 15, of the laws of 1949, to bring the buses owned by private contractors and based at school under the regulation of the state highway commissioner and provided that all new buses have forward facing seats attached to the floor. All buses in operation were to be equipped in this way by September 1, 1959.²

The speed limit was again changed in 1959 to allow buses to be driven 45 miles per hour on dirt, sand, and gravel roads and 55 miles per hour on other roads except the turnpike which sets its own speed limit. The law also specified that the operator driving at such speed must have a special chauffers license.³

The 1959 legislature prohibited flashing lights on

¹Kansas. Laws, Statutes, etc., Session Laws, 1957, Chapter 62, Sections 1 and 2, pp. 181-83.

²Kansas. Laws, Statutes, etc., Session Laws, 1957, Chapter 64, Section 1, pp. 184-85.

³Kansas. Laws, Statutes, etc., Session Laws, 1959, Chapter 53, Section 1, pp. 206-08.

certain vehicles but allowed them on school buses.¹

School buses plainly bearing the name of the district were exempted from registration by an act passed by the 1961 legislature.²

Chapter 55 of the 1961 laws amended Chapter 63, Section 1, of the laws passed in 1957, regarding stopping at railroad crossings to provide a penalty of \$100.00 to \$500.00 fine and/or up to 90 days in the county jail.³

Private Schools

The 1937 legislature authorized school districts that transport public school pupils to also transport pupils attending private or parochial schools. The pupils were to meet the bus at some point on its regular route nearest their homes and were entitled to the same rights, benefits and privileges as to transportation, as were provided to pupils attending public schools.⁴

¹Kansas. Laws, Statutes, etc., Session Laws, 1959, Chapter 51, Section 24C, p. 200.

²Kansas. Laws, Statutes, etc., Session Laws, 1961, Chapter 46, Section 1, pp. 166-67.

³Kansas. Laws, Statutes, etc., Session Laws, 1961, Chapter 55, Section 1, pp. 192-93.

⁴Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 292, Section 1, pp. 474-75.

The above law was amended in 1947 and restated to provide that private and parochial pupils must attend a private or parochial elementary or high school approved by the state board of education if they are to receive the transportation benefits provided by the legislature of 1937.¹

Legislation Pertaining to a Certain
District or Districts

The legislature of 1933 passed a bill which allowed a four year high school in a third class city to transport pupils from an adjoining district having a third class city but maintaining only a graded school.²

The 1935 legislature passed legislation which allowed Cherokee County to provide transportation for pupils within its community high school district.³

Atchison County was authorized to provide transportation or make compensation for pupils transported by the

¹Kansas. Laws, Statutes, etc., Session Laws, 1947, Chapter 359, Section 6, pp. 615-16.

²Kansas. Laws, Statutes, etc., Session Laws, 1933, Chapter 264, Section 1, p. 405.

³Kansas. Laws, Statutes, etc., Session Laws, 1935, Chapter 260, Section 1, p. 360.

1937 legislature. The district was allowed to pay five cents per mile one way not to exceed one dollar per day.¹

Clay County was authorized to transport vocational agriculture students to vocational projects within or out of the county in 1937.²

The 1937 legislature authorized Dickinson County to transport high school pupils living three or more miles from school or compensate parents at the rate of five cents per mile, one way per day not to exceed one dollar.³

Nemaha County was allowed to use public funds to transport its high school pupils as well as those of adjoining common school districts having no accredited high school. The district was also allowed to transport pupils in districts beyond its boundaries, not served by a high school, as well as pupils from other districts having a four year high school when school authorities deemed it best for the pupil.⁴

The 1939 legislature authorized second class city

¹Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 295, Section 1, pp. 476-77.

²Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 293, Section 1, pp. 474-75.

³Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 300, Section 1, p. 484.

⁴Kansas. Laws, Statutes, etc., Session Laws, 1937, Chapter 293, Section 1, p. 475.

districts in counties having 140,000 population or more with an assessed valuation of one hundred fifty million or less with a graded school and an accredited four year high school to transport pupils residing within the school district's limits if it was deemed advisable by the board of education.¹

The legislature of 1939 also made provisions which authorized elementary schools to transport high school pupils residing in the elementary district. The law applied to elementary schools in a common school district with not less than two or not more than six teachers in a county with 18,000 to 22,000 population and with an assessed valuation of not less than twenty-six million and not more than twenty-nine million. The county had one second class city and four third class cities. The pupils were to be enrolled in a high school located in a second class city not more than fifteen miles away.²

The 1943 legislature amended the law and changed the assessed valuation to not less than twenty-eight million

¹Kansas. Laws, Statutes, etc., Session Laws, 1939, Chapter 266, Section 1, p. 521.

²Kansas. Laws, Statutes, etc., Session Laws, 1939, Chapter 269, Section 1, p. 524.

million dollars nor more than thirty-two million dollars.¹

The law was amended again in 1945 and changed to authorize the district to levy 3.50 mills to pay for the transportation.²

The 1949 legislature amended the law once more changing the population to read not less than 21,000 nor more than 25,000 and the assessed valuation to not less than thirty million dollars nor more than forty million dollars.³

The 1949 legislature also amended Chapter 293, Section 1, of the laws of 1937, pertaining to Clay County, to increase the district's population to more than 14,000 and less than 15,000 and the district's assessed valuation was changed to not less than one million dollars nor more than three million dollars and required that it include a second class city of 1,850 to 2,200 population. The law allowed the district to transport high school pupils in the district and those from adjoining common school districts which do not have a high school, as well as pupils of other

¹Kansas. Laws, Statutes, etc., Session Laws, 1943, Chapter 249, Section 1, p. 463.

²Kansas. Laws, Statutes, etc., Session Laws, 1945, Chapter 287, Section 1, pp. 504-05.

³Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 356, Section 1, p. 618.

districts where school authorities agreed it was best for the pupil. The district was also authorized to pay parents for transporting pupils up to five cents per mile one way.¹

In 1965 the legislature made provision for a unified district to contract with another district of another state to either send or accept pupils in school when the pupil's residence was at an inconvenient or unreasonable distance from the unified school he was to attend. The sending district was to provide the transportation.²

Transportation of Pupils in Special Education

Section 4 of Chapter 400 of the laws passed in 1948, first authorized the transportation of exceptional children. The law gave a district the power to transport these children to special education classes.³

The legislation was extended in 1951 to allow either the sending or the sponsoring district accepting mentally retarded pupils to provide transportation. Districts were

¹Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 355, Section 1, p. 617.

²House Bill No. 576, Section 2, 1965 Session of the Kansas Legislature.

³Kansas. Laws, Statutes, etc., Session Laws, 1949, Chapter 400, Section 4, 687.

authorized to pay costs from the general fund, transportation fund, or special education fund or from two or more of such funds.¹

The law was amended in 1955 to allow a district reimbursement for half the cost of transporting pupils to special classes. The maximum reimbursement was set at \$150.00 per pupil per year.²

CURRENT SCHOOL TRANSPORTATION LAWS

Sections 72-607, 72-611, 72-612, and 72-613 of the School Laws of Kansas allow certain districts to use public funds to furnish transportation for certain pupils to school or extra-curricular activities. These laws authorize the districts concerned to set up bus routes and reimburse the parents of those pupils not transported.

School districts are authorized to transport pupils to another district, set up bus routes, transport pupils to extra-curricular activities, and reimburse pupils who live over one mile from a bus route in Sections 72-616, 72-617, and 72-618 of the School Laws of Kansas.

Section 72-619 provides that districts can furnish

¹Kansas. Laws, Statutes, etc., Session Laws, 1951, Chapter 424, Section 8, p. 686.

²Kansas. Laws, Statutes, etc., Session Laws, 1955, Chapter 327, Section 4, p. 664.

transportation to private and parochial school pupils.

Sections 72-615 and 72-628 allow districts to purchase liability insurance and require that buses be operated according to rules and regulations of the state highway commissioner and the uniform act regulating traffic on highways. Section 72-615 provides authorization for any district to transport any pupil.

Sections 72-620 and 72-623 authorize districts to transport pupils out of the district and transport pupils of other districts.

Sections 72-621, 72-624, 72-625, and 72-626 allow certain types of districts to provide transportation or in lieu of providing transportation, pay persons for transporting pupils.

Sections 72-622 and 72-631 restrict districts from transporting pupils in city school districts and pupils of other districts.

Sections 72-627, 72-629, and 72-633 allow districts to: make rules governing transportation, use public funds to pay for transportation, and set up a special fund for buying buses.

Sections 72-614 and 72-632 define the terms: governing body, school district, provide or furnish transportation, and public school bus as used in the laws regulating pupil

transportation.¹

Sections 72-5337, 72-5351, and 72-5364 authorize districts to provide transportation for special education pupils. Reimbursement from the state is provided for transporting the mentally retarded.²

Section 72-5706 prohibits a district from transporting the pupils of another district without permission.³

Senate Bill No. 281 provides state reimbursement to districts for transporting pupils. The bill prohibits the transportation of city pupils.⁴

Senate Bill No. 402, passed in 1965, allows unified districts to transport pupils and provides transportation for pupils in districts without schools. The bill also authorizes the voting of bonds to buy buses.⁵

House Bill No. 576 provides for the transportation of pupils into or out of the state.⁶

¹Murle M. Hayden (ed). School Laws of Kansas (Topeka, Printed by the State Printer, 1964), pp. 158-165.

²Ibid., pp. 334, 338, and 343.

³Ibid., pp. 366-367.

⁴Senate Bill No. 281, 1965 Session of the Kansas Legislature.

⁵Senate Bill No. 402, 1965 Session of the Kansas Legislature.

⁶House Bill No. 576, 1965 Session of the Kansas Legislature.

SUMMARY

The transportation of school pupils was started early in the history of schools in the United States. The organization of rural America was one of several factors that caused a need for school transportation.

Kansas had provisions for transporting pupils in 1901. As the years passed a greater need was felt for pupil transportation resulting in more legislation regulating it.

Legislation was passed for certain districts and later amended to cover, in some cases, all school districts.

The cost of pupil transportation was at first taken from the general fund, later special taxes were levied and placed in special transportation funds. Special funds were provided for the purchase of school buses. A foundation fund was established in 1965 and state funds were made available to districts for school transportation.

The need for transportation resulted in the establishment of regular bus routes and provisions for transporting pupils to extra-curricular activities.

The legislature placed the rules and regulations for operating a school bus under the control of the state highway commissioner.

The 1955 legislature allowed districts to purchase motor vehicle liability insurance and give up a part of

their governmental immunity.

Private and parochial school pupils may receive free school transportation.

Special education pupils are entitled to free transportation and the state provides special funds to pay a part of this cost.

A chronological history of the development of legislation pertaining to pupil transportation in Kansas is presented in Table I. The table does not show all legislation, it is limited to those laws involving a definite change.

TABLE I

CHRONOLOGICAL HISTORY OF SCHOOL TRANSPORTATION INDICATING THE YEAR AND
THE TYPE OF LEGISLATION PASSED IN KANSAS

YEAR	Authority to Transport	Taxes and Insurance Authorized	Bus Routes Authorized	Traffic Laws	Miscellaneous Authority
1901	Certain pupils Ch 307, S.2				
1907	Certain pupils Ch 327, S.1				
1911	Certain pupils Ch 273, S.1				
1917	Certain pupils Ch 277, S.1-2			Implied Ch 276, S.1-3	
1921				Certain districts Ch 252, S.1	
1927					Stop at railroad Ch 189, S.1-2
1929	To other districts Ch 242, S.1	Use public funds Ch 242, S.1	Authorized Ch 240, S.2		

TABLE I (Continued)

YEAR	Authority to Transport	Taxes and Insurance Authorized	Bus Routes Authorized	Traffic Laws	Miscellaneous Authority
1931				Age limit on drivers Ch 80, S.6-23	
1933	Certain pupils Ch 252, S.1				
1937	From other districts Ch 300, S.1		Certain districts Ch 300, S.1	Regulate buses Ch 283, S.78-79	Private pupils Ch 292, S.1
1938				Speed limit 35 MPH Ch 58, S.2	
1941	Extra curricular Ch 331, S.1	Purchase buses Ch 331, S.1	Authorized Ch 331, S.2		Soliciting pupils Ch 331, S.3
1945	Certain pupils Ch 286, S.1				
1947	All pupils except city Ch 359 S.2- 18	Use public funds Ch 359, S.13	Authorized Ch 359, S.4	State Highway Commissioner Ch 379, S.15	

TABLE I (Continued)

YEAR	Authority to Transport	Taxes and Insurance Authorized	Bus Routes Authorized	Traffic Laws	Miscellaneous Authority
1949	Special education Ch 400, S.4	Levy 2 mills Ch 357, S.2		Safety glass Ch 105, S.1	
1951	Mentally retarded Ch 424, S.8			Speed limit 45 MPH Ch 110, S.1 and Stop for school bus Ch 113, S.1-2	
1953	Unreasonable distance Ch 359, S.18	Bus purchase fund Ch 348, S.2			
1955	Special education Ch 327, S.4	Idability insurance Ch 249, S.1-5			
1957				Private bus contractors Ch 64, S.1	
1959				Speed limit 55 MPH Ch 53, S.1	

TABLE I (Continued)

YEAR	Authority to Transport	Taxes and Insurance Authorized	Bus Routes Authorized	Traffic Laws	Miscellaneous Authority
1961		Unified districts Ch 249, S.1 & 6			
1963	Out of district Ch 393, S.24	Unified districts Ch 391, S. 1 & 3			
1965	Unified districts S.B. 402, 1965	Foundation fund S.B. 231, 1965			To other states H.R. 576, 1965

Key to abbreviations used in the table.

Ch-----Chapter

S-----Section

S.B.-----Senate Bill

H.R.-----House of Representatives

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AN HISTORICAL STUDY OF THE LAWS OF
PUPIL TRANSPORTATION IN THE STATE
OF KANSAS FROM 1901 TO 1965

by

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AN ABSTRACT OF A MASTER'S REPORT

submitted in partial fulfillment of the

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It was the purpose of this report to: (1) trace the development of, and categorize, legislation concerning pupil transportation in Kansas, and (2) present the legal requirements for school district operation and maintenance of pupil transportation as defined by existing Kansas statutes. The study was limited to the legal statutes.

The Massachusetts legislature passed the first act authorizing a tax levy for pupil transportation on April 1, 1868.

Many factors have contributed to the development of pupil transportation. The organization of rural America, state aid, consolidation of school districts, all weather roads, and compulsory school attendance laws are examples.

The growth of pupil transportation has been rapid in recent years. Today's school buses carry more passengers than any other transportation system in the world. Further increases are anticipated.

The Kansas legislature authorized the transportation of a few specified pupils in 1901. This has been expanded to include all pupils, except those in city districts, by later sessions of the legislature.

Provision was made for the transportation of pupils to extra-curricular activities in 1941.

Special education pupils were provided transportation authorization in 1949. The mentally retarded were included

in 1951 and 1955 and state funds were provided to help pay transportation costs.

The use of public funds for transportation was provided during 1929. Following this the legislature allowed districts to purchase buses in 1941. The 1949 legislature authorized districts to levy a two mill tax for transportation.

A special bus purchase fund was authorized by the 1953 legislature.

The purchase of liability insurance without the loss of governmental immunity was provided during 1955.

A foundation fund was established in 1965 to provide state aid for transportation. The special transportation tax was removed.

Districts were authorized to establish regular bus routes in 1929. Provisions were made to compensate pupils who traveled over a mile to reach a bus route.

Various acts relating to special districts have been passed by the legislature. Other acts authorized the transportation of private and parochial school pupils and prohibited a district from soliciting pupils.

The legislature has provided many acts concerning the operation of school buses. A speed limit of 35 miles per hour was set in 1938 and later raised to 55 miles per hour.

The provision that school buses must stop at rail-road crossings was adopted in 1925 and is still in effect.

The state highway commissioner was given the authority to adopt rules and regulations concerning the operation of school buses by the 1947 legislature.