

THE SCHOOL ADMINISTRATOR

and Uniform Compliance Guidelines
ISSUED BY STATE BOARD OF ACCOUNTS

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SCHOOL BUS RIDER FEES

Please note our audit position on fees in Volume 190 June 2010, of *The School Administrator and Uniform Compliance Guidelines*. Subsequent to the issuance of Volume 190 the Attorney General of the State of Indiana issued Official Opinion 2010-2 concerning school bus rider fees. The Opinion may be found at <http://www.in.gov/attorneygeneral/files/Opinion.SBOA.BusFees.7.12.10.pdf>

The Conclusion provides:

CONCLUSION

The legislature has identified transportation of school children as a part of what would constitute a uniform system of public education in Indiana. The governing body of a school corporation is required to provide transportation under some circumstances and authorized to provide transportation for its students otherwise. The school corporation is required to establish a School Transportation Fund. The legislature has indicated what costs are attributable to transportation and has made provision for the funding of the School Transportation Fund. The School Transportation Fund is the exclusive means for the payment of costs attributable to transportation. The legislature has not provided the governing body of a school corporation with the specific authority to assess, charge, or collect a school bus rider fee from the students of the school corporation. Transportation of students to and from their respective public schools are deemed a "part of a public education." Accordingly, per *Nagy*, the school bus rider fee is unconstitutional under Art. 8, § 1 of the Indiana Constitution.