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November 6, 1975

Declaratory Ruling #6
(Cite as 1 D.P.I. Declaratory Ruling 14)

Mr. H. Edward Beatty, President
Cedar Rapids Community School District
346 Second Avenue Southwest
Cedar Rapids, Iowa 52404

Dear Mr. Beatty:

Your Petition for Declaratory Ruling was filed in this office on October 10, 1975. In it you request clarification of the decision in the Appeal of Cedar Rapids Community School District from Decision of Grant Wood Area Education Agency, 1 D.P.I. Ap. Dec. 74, in that two routes for student transportation to school were discussed without the decision indicating which of the two routes was appropriate for measuring the distance to determine entitlement to free transportation under Section 285.1, The Code 1975. This question is of obvious importance in determining whether or not the school district has the option of charging the students' parents the pro rata cost of the transportation mandated by the above decision.

The decision of the State Board of Public Instruction in the appeal affirmed the decision of the Grant Wood Area Education Agency Board of Directors in this matter which in effect required the Cedar Rapids Community School District to transport the elementary students of Twin Pines North to the Hiawatha Elementary School. The only route under consideration by the A.E.A. Board disclosed in the findings of facts, was the one that began on collector streets, then north on North Pine Drive to Blairs Ferry Road, then east to 13th Avenue and then north away from Blairs Ferry Road. The record in the appeal discloses this route to be less than two miles.

I am of the opinion that the Cedar Rapids School District was not precluded by the decision of the State Board of Public Instruction in the appeal from charging the pro rata cost of such transportation mandated by the A.E.A. Board of Directors.

Sincerely,

Robert D. Benton, Ed.D.
State Superintendent of Public Instruction