

OPINION NO. 68-058**Syllabus:**

A board of education of a school district is not required to provide transportation, under the provisions of Section 3327.01, Revised Code, to students attending a school for which the state board of education does not prescribe standards pursuant to division (D) of Section 3301.07 of the Revised Code.

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: William B. Saxbe, Attorney General, March 29, 1968

I have before me your request for my opinion on the following question:

Does Section 3327.01, Revised Code, require a board of education to provide school bus transportation to schools for which the state board of education does not prescribe minimum standards pursuant to division (D) of Section 3301.07, Revised Code?

Section 3327.01, Revised Code, provides in part:

"In all city, exempted village, and local school districts where resident elementary school pupils live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the non-public school which they attend the board of education shall provide transportation for such pupils to and from such school except when, in the judgment of such board, confirmed by the state board of education, such transportation is unnecessary or unreasonable.

"In all city, exempted village, and local school districts the board may provide transportation for resident high school pupils to and from the high school to which they are assigned by the Board of education of the district of residence or to and from the non-public high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.* * *"

The answer to your question requires an interpretation of the applicable portions of Section 3327.01, *supra*, to determine the intention of the legislature. The intention of the legislature must be determined primarily from the language of the statute itself. The language of the statute is its most natural expositor. Bates v. State, 27 Ohio App., 391.

It is presumed that the legislature, in phrasing a statute, knows the ordinary rules of grammar, and consequently, that the grammatical reading of a statute gives its correct sense. As stated by the court in Davis v. Halter, 79 Ohio App., 419, page 422: "We must give the language used its plain meaning according to the usages of English grammar."

Section 3327.01, supra, places a duty upon school districts to provide transportation for elementary school students that (1) live more than two miles from the school and (2) the school they attend is subject to the minimum standards adopted pursuant to Section 3301.07, Revised Code. This is true whether the student attends a public school or a private school.

The same interpretation should be given that portion of Section 3327.01, supra, which deals with the transportation of high school students except the school board is granted limited discretion as to whether any students should be transported, regardless of distance.

The use of the conjunction "or" is subject to the provisions of Section 1.02, Revised Code, which states:

"As used in the Revised Code, unless the context otherwise requires:

* * * * *

"(H) 'And' may be read 'or,' and 'or' may be read 'and' if the sense requires it."

In discussing statutory construction, the court stated in Lexa v. Smunt, 123 Ohio St. 510, page 515:

"It is the duty of the court, if possible, so to construe statutes as to avoid absurd consequences.

"Of the various meanings of the word 'or' it is quite clear that that meaning must have been intended by the Legislature in the enactment of this statute which serves to relate similar ideas and connect them to each other,
* * *"

It is therefore my opinion and you are hereby advised that a board of education of a school district is not required to provide transportation, under the provisions of Section 3327.01, Revised Code, to students attending a school for which the state board of education does not prescribe standards pursuant to division (D) of Section 3301.07 of the Revised Code.