

of the Board "shall be binding notwithstanding any rules and regulations of the State Department of Education."

My objections to Senate Bill 1017 are on both educational and fiscal grounds. The bill flies in the face of the organization and structure of educational responsibility and authority carefully constructed by the General Assembly for the State, and would permit a local board to control certain State expenditures.

Article 77, Section 6 of the Code provides that the State Board of Education "shall determine the educational policies of the State; they shall enact bylaws, rules and regulations for the administration of the public school system, which when enacted and published shall have the force of law." The Board is, by that section, further empowered to "explain the true intent and meaning of the law, and shall decide all controversies and disputes that arise under it, and their decision shall be final."

On the county level, Section 34 of Article 77 provides that "educational matters affecting the counties shall be under the control of a county board of education in each county." Section 41 requires the county board of education, to the best of its ability, to cause the provisions of Article 77, and the bylaws, rules and regulations, and the policies of the State Board of Education to be carried into effect. Subject to Article 77 and the State Board bylaws, rules, regulations, and policies, "the county board of education shall determine, with the advice of the county superintendent, the educational policies of the county school system and shall prescribe rules and regulations for the conduct and management of the public schools in the county school system."

The transportation of children to and from the public schools has always been deemed to be part of the overall system of public education, and thus committed to the established State and county boards of education. See §§ 19, 99, 124 of Article 77. Acting pursuant to its authority under section 6, the State Board of Education has adopted bylaws concerning the transportation of children to and from the public schools which, by virtue of section 6, have the force of law. These by-laws include provisions for hazardous conditions and hardship situations. \*

Senate Bill 1017, as noted, creates a new local board and empowers it to make decisions concerning which children shall be provided free transportation to and from school.\*\* These decisions may (and the fact that such a bill was introduced would suggest that they, in fact will) be inconsistent with State Board of Education by-laws; and yet, to the extent of any inconsistency,