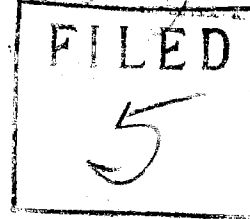


STATUTES - Sections 16 and 17 Laws 1931 pp. 343 and 344.
Lawyer of High and other schools to charge for
children coming from other districts.

SB 154 2/17/38

*substitute
original
displaced*

February 20, 1938.



Gen. R. Wilson Barrow
Prosecuting Attorney
Madison County
Madison, Missouri

Dear Mr. Barrow:

Answering your letter of February 18, 1938, in which you state five children from the Wash School District are attending the Atlanta High School; Atlanta High School is demanding payment of tuition and Wash High School wishes to know, "whether or not they can be compelled to pay the high school tuition for the five students in Atlanta High School (even) at the expense of closing up their country schools."

The statute is very explicit that,

"The board of directors of each and every school district in this state shall pay the tuition of each and every pupil resident therein (who) attends an approved high school in another district of the same or an adjoining county"

The statute further states,

"The rate of tuition paid shall not exceed the per-pupil cost of maintaining the school attended, less a deduction at the rate of fifty dollars for the entire term, and the cost of maintaining the school attended shall be defined as the amount spent for teachers' wages and incidental expenses."

Gen. R. Wilson Harrow 23

"In case of any disagreement between district as to the amount of tuition to be paid, the facts shall be submitted to the state superintendent of schools, and his decision in the matter shall be final:

Above is an extract from Section 16, p. p. 343 and 344 Session Act 1931.

"It is the consensus of opinion in this country that the legislature in the creation of municipal and public corporations of every description is absolute and unlimited in the absence of some specific state or federal constitutional provision restricting such power
It may also confer upon such corporations such public power and authority as it may deem wise and best."

See Harris v. Bond 244 No. 1. c. 688,689. See also, Section 9423, R. S. No. 1929.

It will be seen from the foregoing that the statute is very clear and emphatic that the Wash School District will have to pay for the five students going to the Atlanta High School.

You mention in the second paragraph of your letter that, "they have seven pupils now attending at the district school West of Atlanta, Ga." I am not sure from the expression whether the Atlanta High School has seven children attending the Wash School or that some other school district has seven children attending the Wash School, but will say that the same rule applies to them as the foregoing law does to the Wash District.

See Section 18 of 1931 Session Act, p. 344.

Very respectfully,

Geo. P. Stothel

Geo. P. Stothel,
Assistant Attorney-General.

RECEIVED:

NOT RECORDED
Attorney-General.

CHS: 10