

HIGH SCHOOL:

School District has right to charge tuition on non-residents, the rate to be determined under Sections 14 and 16, Laws of Missouri, 1931, pages 342-344.

June 13, 1933.

FILED

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Mr. John S. Phillips,
Prosecuting Attorney,
Poplar Bluff, Missouri.

Dear Sir:

We are acknowledging receipt of your inquiry of May 10, 1933, as follows:

"I have been requested by the School District of Poplar Bluff, Missouri, to get an opinion from your office in regard to tuition to be paid by students who are not residents of the Poplar Bluff School District. We would like to know if the School District in Poplar Bluff has the right to charge tuition for the pupils in the other school districts in the county which do not have approved High Schools, and if they have such right what could be charged each non-resident student?"

The School Board also wants to know if they have the right to refuse to accept these non-resident pupils if the tuition is not paid.

We would like to have an answer from your office as quickly as possible so that we can get the matter settled."

Section 16, page 343, Laws of Missouri, 1931, reads as follows:

"The board of directors of each and every school district in this state that does not maintain an approved high school offering work through the twelfth grade shall pay the tuition of each and every pupil resident therein who has completed the work of the highest grade offered in the school or schools of said district and attends an approved high school in another district of the same or an adjoining county where work of one or more higher grades is offered; but 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, which deduction shall be added to the equalization quota of the district maintaining the school attended, as calculated for the

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ensuing year, if said district is entitled to an equalization quota; if the district maintaining the school attended is not entitled to an equalization quota, then such deduction shall be added to the teacher quota of said district, as calculated for the ensuing year; but the attendance of such pupil shall not be counted in determining the teaching units of the district maintaining the school attended; and the cost of maintaining the school attended shall be defined as the amount spent for teachers' wages and incidental expenses. In case of any disagreement between districts 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: Provided further, that when any school district makes provision for transporting any or all of the children of such district to a central school or schools, and the method of transporting and the amount paid therefor is approved by the state superintendent of schools, the amount paid in state funds for transportation, not to exceed three dollars per month for each pupil transported a distance of two miles or more, shall be a part of the minimum guarantee of such district; Provided, the provision of this act regarding the payment of tuition and transportation shall apply if the students attend any school supported wholly or in part by state funds."

Under the above section it is declared that "the rate of tuition which a non-resident shall pay shall not exceed the per-pupil cost of maintaining the school attended, less a deduction at the rate of \$50.00 for the entire term." It is further provided that "the cost of maintaining the school attended shall be defined as the amount spent for teachers' wages and incidental expenses."

Section 14 of the same Act, page 342, Laws of Missouri, 1931, provides that the cost per-pupil shall be ascertained by taking the average total number of pupils attending the school and dividing it into the cost of maintaining the school.

It is therefore the opinion of this Department, from the foregoing, that the cost of maintaining the school attended will be the amount spent for "teachers' wages" and incidental "expenses" and this sum divided by the average total number of pupils attending the high school is the per-pupil cost of the school as it is then maintained; and the tuition per-pupil cost of an outside pupil would be on the same basis, less a deduction of \$50.00 for the entire term. The school district of Poplar Bluff has a right to charge tuition as above indicated, the amount to be determined according to the above provisions.

Mr. John S. Phillips,

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June 13, 1933.

Under Section 18 above, the tuition of the pupil is to be paid by the school district wherein the pupil resides. This, of course, relieves the non-resident student from paying his own tuition. It is our opinion under this Section that the pupil is entitled to attend high school without his tuition being first paid or tendered. As a matter of fact, the rate of tuition to be paid might not be possible of ascertainment until after the term of school has considerably progressed.

Very truly yours,

Assistant Attorney General.

APPROVED:

Attorney General.

FWH:S