

S: Sending school must pay entire tuition of pupil,
receiving credit up to \$50.00 if the State has the money.

5-18

May 17, 1935.



Carl T. Buehler, Ph. G.
President Board of Education
108 So. Maple Street
Eldon, Missouri

Dear Mr. Buehler:

This is to acknowledge your letter dated May,
14th, 1935, as follows:

"If the per pupil cost in our high
school is \$65.00 for the year
which the non-resident pupil
attends, and the state pays us
only \$15.00 instead of the promised
\$50.00, how much are we allowed to
charge the sending district?"

On August 28th, 1934, this Department rendered
an opinion to Mr. G. C. Jones, Laclede County, which answers
the question asked in your letter. Copy hereto attached.

We invite your attention to this found on page 6
of said opinion as follows:

"Thus, the court has said that the
sending district must pay the tuition
of its pupils attending a high school
and the fifty dollar deduction to be
paid by the state is state aid to such
sending district. In other words, the
aid is one to the sending district and
not to the receiving high school. Thus
it follows that the sending school
district is liable to the receiving

May 17, 1935.

school district for all of the tuition of the pupils from its (sending district) school to the receiving high school. If the state pays \$50.00 or any part thereof, it is applied as a credit to the sending district's obligation of tuition payment. In other words, the sending district is primarily liable for all of the tuition (per-pupil cost) due the receiving high school district, and if the state has the money it will pay the first \$50.00 of the per pupil cost on this obligation of the sending district. But, the state does not give anything to the sending district, but pays it direct to the receiving high school, thus making the payment of the state's part a matter of book-keeping only and the effect of same being an aid by the state to the sending district. However, if the state only has enough money to pay a part of the \$50.00, then only the part the state pays is credited on the tuition."

It is our opinion that the sending district is liable for the full \$65.00 and if the State pays \$15.00 of said amount it leaves a balance that the sending district is obligated to the receiving district, namely, \$50.00. In other words, the sending district is liable to the receiving district for the full \$65.00, but if the State pays \$15.00 of that amount, then, the sending district's obligation is diminished to that extent so that the balance (or the amount such would owe) would be \$50.00.

Yours very truly,

APPROVED:

James L. HornBostel
Assistant Attorney-General

ROY MCKITTRICK
Attorney-General

JLH:EG
Enc.