

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

E-28

May 24, 1935.



Hon. William M. Quinn  
Senator 12th District  
Missouri Senate  
Jefferson City, Missouri

Dear Senator Quinn:

This is to acknowledge your letter as follows:

"I am enclosing herewith statement of account rendered by the La Grange School District for High School pupils from Maywood Public School.

Maywood Public School maintains and operates a common school district, teaching up to and including the eighth grade. Part of the pupils who want a high school education go to the Durham Consolidated District, which does not charge any additional tuition, other than that which they receive from the state. The La Grange School District has, in the past, charged different sums more than the \$50.00 allowed by the state under the 1931 School Law, and for this year have attempted to charge the Maywood District \$15.00 per pupil in addition to the amount they receive from the state.

It is my understanding that if a school district accepts the \$50.00 for the tuition of a non-resident pupil, who is in attendance in the High School, that they cannot make an additional charge for tuition and receive the State Funds.

"I will appreciate having your opinion stating whether or not, under the 1931 School Law, if the La Grange School District accepts funds for High School tuition for non-resident pupils from the State, if the Maywood District should be compelled to pay \$15.00 per pupil, tuition, as per the enclosed statement."

The letter enclosed and referred to by you reads as follows:

"Your district is indebted to LaGrange School District for tuition for high school pupils who attended our school for the term ending May 10, 1935 as follows:

Wilma Huebotter	-----	\$15.00
Junior Beilstone	-----	\$15.00
Marion Beilstone	-----	\$15.00
Dorothy Quinn	-----	\$15.00
Hobart Lillard	-----	\$15.00
Harvey Waterman	-----	\$15.00
Total due	----	\$90.00

"You will please remit promptly making warrant payable to J. V. Klusmeier, Treasurer. Mail draft to me."

On August 28, 1934 and May 17, 1935 this Department rendered opinions concerning the subject you inquire, and we enclose herewith copies of same.

The obligation to pay the tuition of pupils resident within the district and attending school in another district rests upon the district wherein the pupils reside. The tuition that the receiving high school may charge to the sending district is determined by the per-pupil cost (teachers' wages and incidental expenses). Thus, the only charge that a receiving

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district can place against the sending district for tuition of a pupil would be the per-pupil cost, and whatever the per-pupil cost would be, the sending district would have to pay the full amount. However, the State has stated that it would pay up to \$50.00 of this per-pupil cost, to the receiving district, if the money were available. And if the full amount of the \$50.00 is not available, then the amount that is available is applied pro rata.

Assume that the per-pupil cost of the receiving high school amounted to \$50.00 and the State did not have enough funds to pay said \$50.00 as provided in the statute, but the amount of money available would have to be pro rated so that the receiving high school would only receive state aid in the amount of \$25.00, and such amount applied on the per-pupil cost of \$50.00, would leave a balance of \$25.00 that the sending district would have to pay to the receiving high school. In other words, as stated in the enclosed opinion, the sending district is liable for the full amount of the per-pupil cost and whatever the State pays is applied as a credit on said amount. The limitation as to what the State pays is fixed at \$50.00 and if there is not enough money to pay the \$50.00 the State pays whatever the pro rata part amounts to.

From the above we conclude that the obligation of the Maywood District consists of the payment of tuition of the per-pupil cost of pupils attending the LaGrange School District, and whatever amount the LaGrange School District receives from the State, as state aid to the payment of this tuition, would be applied as a credit to the amount of the per-pupil cost of the pupils from the Maywood District. The fact that the LaGrange District receives state aid does not bar them from making additional charge, if such aid does not pay the entire per-pupil cost of the pupils attending its school.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

JLH:EG  
Encs.