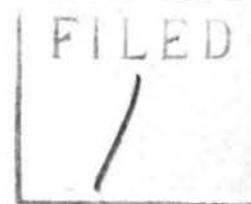


Is mandatory upon the board of directors to pay high school tuition, and voters cannot vote not to pay same.

February 25, 1936.

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Mrs. Mary H. Acuff  
County Superintendent Public Schools  
Paris, Missouri

Dear Madam:

This is to acknowledge your letter as follows:

"Can a school district discontinue paying High School tuition by voting against it at the school election?"

Section 16, Laws of Missouri, 1935, page 351, relates to the payment of high school tuition. Note the provision of said section:

"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, or an approved high school maintained in connection with one of the state institutions of higher learning, where work of one or more higher grades is offered; \* \* "

The above statute is mandatory upon the board of directors and when the conditions occur as prescribed in said section, then the board has no alternative other than to pay the tuition. The voters of the district cannot, in our opinion, by vote relieve the directors of the duty imposed upon them by said section to pay the tuition of pupils attending an approved high school. However, the board of directors is limited as to the amount of tuition it can pay. Note the further provision of said section:

"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, \* \* \* \* \* but no school shall be required to admit any pupil, nor shall any school be denied the right to collect tuition from a pupil, parent, or guardian, if the same is not paid in full as herein before provided. In no case, however, shall the amount collected from a pupil, parent, or guardian exceed the difference between fifty dollars and the per-pupil amount actually paid by the state, nor shall the amount the district of the pupil's residence is required to pay exceed the amount by which the per-pupil cost of maintaining the school attended is greater than fifty dollars."

You will note from the above that the school of residence is only required to pay tuition over and above the fifty dollars which is to be paid by the state, and if the state does not pay same such to be collected from the pupil, parent or guardian.

Mrs. Mary H. Acuff

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Feb. 25, 1936.

From the above it is our opinion that a school district cannot by vote dispense with the payment of tuition for resident pupils attending high school in adjoining districts, as Section 16, supra, makes it mandatory upon the board of directors to pay same.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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JOHN W. HOFFMAN, Jr.,  
(Acting) Attorney-General

JLH:EG