

SCHOOLS: District of residence need not pay any of the first \$50.00 of high school tuition for its pupils.

4-21
April 20, 1937.



Honorable Bryan A. Williams
Prosecuting Attorney
Bollinger County
Marble Hill, Missouri

Dear Mr. Williams:

This is to acknowledge your letter dated April 17, 1937, as follows:

"I would be obliged if you would please let me have a ruling on the following question:

"'If the per capita cost (teachers' and incidentals) of a public high school is \$50 or less can the district accepting high school pupils charge and collect from the pupils' home district tuition?"

We answer your question in the negative, in our opinion. Section 16, Laws of Missouri, 1935, page 351; State ex rel. Burnett v. School District of City of Jefferson, 74 S. W. (2d) 30,34.

Section 16, supra, specifically provides as to the rate of tuition as follows:

"* * * 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, * * * the cost of maintaining the school attended shall be defined as the amount spent for teachers' wages and incidental purposes.

April 20, 1937.

* * * 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."

The court in State ex rel. Burnett v. School District, supra, reached the conclusion that Section 16 was exclusive and a complete scheme for the payment of tuition. The duty rests upon the school district of residence to pay the tuition of the pupils, less a deduction of fifty dollars for the entire term. In other words, the State is supposed to pay the first fifty dollars and if it does not, then the difference, whatever the amount might be, may be collected from the pupil or his or her parents or guardian. The district of residence pays that over and above the first fifty dollars. Therefore, the district of residence would not have to pay any of the first fifty dollars of a pupil's tuition.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General.

JLH:EG