

TUITION:
SCHOOLS:
HIGH SCHOOL TUITION:
SCHOOL DISTRICTS:

The term "debt service" as used in Section 161.095, RSMo 1963 Supp., refers only to the indebtedness of the high school attended and the indebtedness of other schools is not included within this term.

Opinion No. 109

April 28, 1964

Honorable Rube Schapeler
Representative
Bates County
Butler, Missouri



Dear Representative Schapeler:

This opinion is issued in response to your request of February 21, 1964, for an official opinion of this office. You inquire:

"I have a reorganized elementary school District R9, in my county confronted with the following problem. They send their High School students to Appleton City School district. Appleton City School Board officials are charging them tuition under the revised law 161.095. Appleton City is interpreting the law to allow them to include as debt service bonded debt on their elementary school building as well as the bonded debt on their High School.

"I would appreciate it greatly if you would give me an opinion on this at your earliest convenience."

Section 161.095, RSMo 1963 Supp., provides:

"161.095. District to pay tuition of non-resident high school pupils - - 'debt service' defined.

1. The board of directors of each 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 pupil resident therein who has completed the work of the highest grade offered in the schools of the district and who 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.

"2. The rate of tuition shall not exceed the per pupil cost of maintaining the high school attended, less a deduction of the additional amount of state aid granted to the district maintaining the high school, as provided in subsection 3 of section 161.031. The cost of maintaining the high school attended shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term 'debt service' as used in this section means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the school attended shall be determined by dividing the cost of maintaining the high school by the average daily high school pupil attendance. The amount of tuition to be paid by the district of the pupil's residence shall likewise be determined on the basis of average daily attendance of pupils attending a high school outside the district. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the school of his or her choice; but no school shall be required to admit any pupil." (Emphasis added)

(We note parenthetically that the number, Section 161.095 will be changed to Section 167.131 by the codification of school laws under Senate Bill No. 3 of the 72nd General Assembly to take effect July 1, 1965).

We understand your inquiry to be: Does the term, "debt service", in Section 161.095 include indebtedness on all schools of the district receiving the high school students or only the indebtedness on the high school attended?

Subsection (2) of Section 161.095 limits the rate of tuition for students attending high school in another district. This maximum tuition rate is determined by dividing the "cost of maintaining the high school by the average daily high school pupil attendance," less additional state aid under Section 161.031 (3). The cost of maintaining the high school attended is not to exceed the total spent for "teacher's wages, incidental purposes, debt service, maintenance and replacements."

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Several times in Section 161.095 it is stated that the maximum tuition rate is calculated upon "the cost of maintaining the high school attended". "Debt service" is one of the items used in calculating the "cost of maintaining the high school". Obviously the term "debt service" refers to the indebtedness of the high school only.

CONCLUSION

Therefore, it is the opinion of this office that the term "debt service" as used in Section 161.095, RSMo 1963 Supp., refers only to the indebtedness of the high school attended and the indebtedness of other schools is not included within this term.

The foregoing opinion which I hereby approve was prepared by my assistant, Louis C. DeFeo, Jr.

Very truly yours,


THOMAS F. EAGLETON
Attorney General