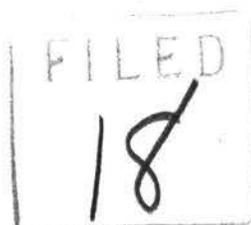


SCHOOLS AND SCHOOL DISTRICTS: (1) "Equalization quota" and "Second level equalization quota" aid shall be paid to the school district wherein the assigned pupil resides as provided by Sections 163.031(1) and 163.033, RSMo. Supp. 1965; (2) "Flat grant" aid shall be paid to the school district where the assigned pupil attends school as provided by Section 163.031(3), RSMo. Supp. 1965; (3) In calculating tuition rate of an assigned pupil, the per pupil cost of maintaining the school attended should be reduced by the amount of "flat grant" aid per pupil, as provided by Section 167.131, RSMo. Supp. 1965.

February 25, 1966

OPINION NO. 18 (1966)
Opinion No. 248 (1965)

Honorable Carl D. Gum
Prosecuting Attorney
Cass County Courthouse
Harrisonville, Missouri



Dear Mr. Gum:

This opinion is issued in response to your request for an official ruling.

Your inquiry relates to the payment of State school aid where pupils have been assigned to a school district other than that in which they reside under Section 167.121, RSMo. Supp. 1965 (formerly Section 161.093, RSMo 1959). Your question is:

"Is it mandatory that the State Board of Education pay the required State Aid directly to the district in which the assigned student lives, or is it discretionary, so that said money may be paid directly to the district to which the student is assigned and eliminate the payment of tuition by the district of residence to the district in which the pupil is assigned?"

Section 167.121, RSMo. Supp. 1965, provides:

"If any pupil is so located that a school in another district is more accessible, the county superintendent shall assign the pupil to the other district."

Honorable Carl D. Gum

An assigned pupil is the concern of two school districts; he resides in one school district but attends school in another school district.

You refer to our previous opinion (No. 96, Whitlow, 4-7-54). Opinion No. 96 concludes that pupils assigned under Section 161.093 (then numbered Section 165.253) "shall be credited to the district in which they live for the purpose of apportionment of state funds, even though that district fails to pay tuition to the receiving school."

Section 161.093, RSMo 1959, provided in part,

"The attendance of such assigned pupil shall be credited for the purpose of apportionment of state funds to the district in which the student lives, and the board of directors of the district in which said student lives shall pay the tuition of such pupil or pupils so assigned."

(The quoted provision is omitted from Section 167.121, RSMo. Supp. 1965, which replaced Section 161.093 as of July 1, 1965.)

Opinion No. 96 does not answer your present inquiry because that opinion resolved which district should receive credit for an assigned pupil in the apportionment of State aid, whereas the present inquiry is to which district shall the State aid be paid. There is a distinction.

This distinction must be distilled from several statutes read together.

Two types of State aid are calculated on the basis of pupil attendance. These are commonly called "flat grant" and "equalization quota."

"Equalization quota" is provided for by Section 163.031(1), RSMo. Supp. 1965. After prescribing the method for calculating the "equalization quota," the subsection provides:

"The difference thus obtained shall constitute the equalization quota for the district. In computing the equalization quota the district is entitled to count for resident attendance all resident children attending another public school and whose tuition the district is required to pay."

Honorable Carl D. Gum

Thus "equalization quota" aid is both credited to and paid to the district wherein an assigned pupil resides. "Second level equalization quota" is also distributed in this manner. See Section 163.033, RSMo. Supp. 1965.

Section 163.031(3), RSMo. Supp. 1965, provides for "flat grant aid," to wit:

"In addition to the amounts allocated under subsections 1 and 2, an additional amount shall be granted each district which shall be computed by adding the average daily attendance of pupils residing and attending school in the district to the average daily attendance of nonresident pupils whose tuition the district of residence is required to pay."

Thus "flat grant" aid is paid to the school district which an assigned pupil attends. Assigned pupils are included in the phrase, "nonresident pupils whose tuition the district of residence is required to pay."

Although "flat grant" aid is paid to the district which an assigned pupil attends, the district in which the assigned pupil resides receives credit for "flat grant" aid as provided by Section 167.131(2), RSMo. Supp. 1965, which states:

"The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the high school attended, less a deduction of the additional amount of state aid per pupil granted to the district maintaining the high school, as provided in subsection 3 of section 163.031, RSMo."

Section 167.131, supra, mentions only high school pupils, however, it is the general practice, as recommended by the State Department of Education, that elementary tuition be calculated in the same manner.

CONCLUSION

Therefore, it is the opinion of this office that as to State aid based upon pupils assigned to another school district under authority of Section 167.121, RSMo. Supp. 1965:

General Anderson

1.) "Equalization quota" and "Second level equalization quota" aid shall be paid to the school district wherein the assigned pupil resides as provided by Sections 163.031(1), and 163.033, RSMo. Supp. 1965;

2.) "Flat grant" aid shall be paid to the school district where the assigned pupil attends school as provided by Section 163.031(3), RSMo. Supp. 1965;

3.) In calculating tuition rate of an assigned pupil, the per pupil cost of maintaining the school attended should be reduced by the amount of "flat grant" aid per pupil, as provided by Section 167.131, RSMo. Supp. 1965.

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

Yours very truly,



NORMAN H. ANDERSON
Attorney General