

STATE AID:  
JUNIOR COLLEGES:  
SCHOOLS:

A junior college district has no authority to conduct classes outside of its district boundaries and is not, therefore, entitled to receive state aid for nonresidents of the district enrolled in classes outside of its district boundaries even though they may be Missouri residents.

OPINION NO. 489

October 20, 1970



Honorable Richard M. Webster  
State Senator  
Thirty-second District  
112 North Webb Street  
Webb City, Missouri 64870

Dear Senator Webster:

This is in response to your opinion request in which you asked whether a junior college is entitled to receive state aid for Missouri residents enrolled in classes offered outside of the college district.

Included with your opinion request was a letter from Mr. Dell Reed, President of Crowder College, outlining the particular facts surrounding the opinion request. This letter provides as follows:

"Crowder College Trustees, cooperatively with the Monett Board of Education, have planned for the offering of college credit courses by Crowder College in the Monett schools during the evening, beginning in September, 1970.

"Monett, which is just outside of the Crowder College district, has requested the arrangement whereby students of that area may take college credit courses during the evening hours in their community.

"The plan which we have worked out with the Monett schools is that students will

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be admitted to the classes under the regular policies and procedures of Crowder College as stated in the college catalog. The same standard of instruction and evaluation will be used in the classes at Monett as used in the classes on the campus of Crowder College. Course descriptions, course outlines, textbooks, and in most cases instructors will be the same as those on the campus in Neosho.

"The purpose of this letter is to ask for an interpretation regarding the regular state aid for junior college instruction for this educational program outside of the Crowder College district. Is there any reason why Crowder College could not expect to receive the regular Missouri state aid for Missouri residents enrolled in classes offered by the college in Monett? An early reply to this question would be very helpful to us as we continue to plan for the enrollment of students this fall."

We understand your request to be whether a junior college district is entitled to receive state aid for those Missouri residents who are nonresidents of the junior college district and who are enrolled in classes conducted outside of the district boundaries.

Section 163.191, RSMo 1969, provides that a junior college district is entitled to include in its attendance records for the purpose of computing state aid all Missouri residents attending schools or classes of that district. This statute provides in part as follows:

"All students, resident in the state of Missouri, attending schools or classes of a junior college district shall be included in the attendance records of the junior college district for the apportionment of school funds. . . ."

The underlying question is whether a junior college district has the authority to conduct classes in areas outside of its district in order to serve the needs of those areas. In answering this question, we refer to Opinion Letter No. 469, dated September 11, 1970, to Honorable R. J. King, Jr., which is enclosed herein.

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This opinion letter concluded that a junior college district has no authority to establish a building outside of its district for the purpose of serving an area outside the district. The rationale behind the holding was that there is no express statutory provision authorizing a junior college district to establish a facility outside of its district boundaries in order to serve nonresidents. Likewise, we find no statutory authority, either express or implied, for a junior college district to conduct classes for nonresidents of the district outside of the district boundaries as defined in Section 178.790, RSMo 1969.

We note that Section 178.890, RSMo 1969, provides a method by which adjoining school districts may be annexed to a junior college district. Because the legislature enacted Section 178.890, RSMo 1969, in order to meet the needs of those desiring to become a part of a junior college district, we believe it should be complied with when an area such as the Monett School District wants to obtain the benefits of a junior college program.

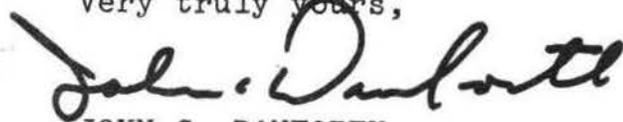
For the above reasons, it is the opinion of this office that a junior college district does not have the authority to conduct classes outside of its district boundaries for the benefit of nonresidents of the junior college district. Because junior college districts lack such authority, they would not be entitled to receive state aid for nonresidents of the district enrolled in classes outside of district boundaries even though they may be Missouri residents.

#### CONCLUSION

A junior college district has no authority to conduct classes outside of its district boundaries and is not, therefore, entitled to receive state aid for nonresidents of the district enrolled in classes outside of its district boundaries even though they may be Missouri residents.

The foregoing opinion, which I hereby approve, was prepared by my Assistants, J. Michael Jarrard and D. Brook Bartlett.

Very truly yours,



JOHN C. DANFORTH  
Attorney General

Enclosure:

Op. No. 469  
9-11-70, King