

MAINE STATE LEGISLATURE

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April 26, 1939

Honorable Bertram E. Packard
Commissioner of Education
State House
Augusta, Maine

Dear Doctor Packard:

I have read the attached statement relating to payment of high school tuition by towns not maintaining high schools, and I agree in general with the conclusions which you have reached.

Section 206 of Chapter 19 does place a definite limitation upon the amount which a town can pay per year for tuition of any pupil. The amount which a town can pay is, as you state, an amount not exceeding the average cost per pupil for the year preceding that for which the tuition is paid in the school attended by such pupil, but such payment by any town shall not exceed \$100 for any pupil for any one year. This, in my opinion, does not mean that the town can legally pay up to \$100 without regard to the method of computing the cost above stated, but that if the average cost comes to more than \$100 that is the limit that can be paid. The method which you have outlined and which you are using for reimbursing towns for the payment of tuition is, I believe, the correct one.

While I agree with you that it would be improper for any town to pay more than \$100 per pupil per year if the average cost per pupil as outlined in the statute was less than \$100 to pay more than the actual cost, I can see no reason why it would be improper for such town to make an arrangement with the parents of any child under which the parents would pay the difference between the amount which the town can lawfully pay and the amount charged by the town furnishing the tuition.

Commissioner of Education
April 26, 1939

Section 93 of Chapter 19 does not require a town to accept pupils from any other town, nor to charge any definite amount of tuition. It may be that our statutes should be amended to provide that towns may accept pupils from other towns not maintaining approved Class A high schools and academies, but you would be a better judge of the expediency of such legislation than I am.

Very truly yours,

Franz U. Burkett
Attorney General

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