

MAINE STATE LEGISLATURE

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August 24, 1945

To Harry V. Gilson, Commissioner of Education

Subject: Charging Tuition in Nursery Schools Partially Supported by Tax Money

I acknowledge receipt of your memo of August 17th, relating to the above subject matter, and requesting me to give an opinion as to the legality of charging tuition to parents of pupils who attend a nursery school operated by the City of Portland. You further state that the City of Portland has been charging \$4 or \$5 a week to the parents of each pupil, and the balance of the cost of operating the school has been provided from federal funds under the terms of the Lanham Act; and further that the federal government now contemplates withdrawing support from this nursery school, since they feel that the need for employing women in industry is decreasing. You further state that Portland feels that the need for this school still exists and contemplates continuing it as a public school, supporting it in part from tax money and in part from a tax levied against the parents of each pupil enrolled.

This school is now being operated under the provisions of Executive Order No. 20, dated December 29, 1942. Section 3 of said Executive Order reads as follows:

- "3. The Commissioner of Education is hereby authorized to file application for grants or contributions under the provisions of the Lanham Act recently passed by Congress, or any other similar Federal Acts dealing with the subject matter of these rules and regulations and to receive and disburse such aid to schools as may be forthcoming."

Under this paragraph of Executive Order No. 20, it is my opinion that the City of Portland was justified in charging a tuition fee to the parents of the pupils who attended this nursery school, the federal government furnishing the balance of the cost of operation, and it may continue to do so under this Executive Order through your department, so long as this Executive Order is in full force and effect; but I can find no statute which authorizes the operation of public schools supported by public tax money and the charging of tuition to pupils attending said schools.

Ralph W. Farris
Attorney General

RWF:c