

# MAINE STATE LEGISLATURE

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April 5, 1957

To Kermit S. Nickerson, Deputy Commissioner of Education  
Re: Tuition Charges, Part of Year

This is in response to your memo of March 29, 1957, in which you ask for an opinion with respect to the legality of the tuition charge made by the City of Bangor to the Town of Glenburn for tuition for one-half year, when the student was in attendance for only eight weeks.

You state that Bangor has a school board regulation which states that "when a pupil is in attendance more than one week but less than one-half term, tuition for one-half term will be charged."

In the instant case Bangor charged tuition for one-half year, \$138. The student is a State ward, and the Town of Glenburn is entitled to reimbursement from the Department of Health and Welfare under the provisions of Chapter 41, Section 109, R. S. 1954.

Another facet of the problem is that the usual school term is for one-third of the year, there being three school terms in a school year.

In the first place, we would advise that if the Town of Glenburn undertook to send students to the City of Bangor under an agreement which stated that if a pupil is in attendance more than one week but less than one-half term, tuition shall be for one-half term, then the Town of Glenburn would be obliged to comply with the terms of the contract. In such a case the Department of Education should certify to the Department of Health and Welfare the amount due under the contract. We understand that the City of Bangor is not the only city having such a rule and that Augusta also has a similar rule.

With respect to whether or not the City of Bangor has three or two terms in the school year, we would suggest that this is a factual question which you can determine.

James Glynn Frost  
Deputy Attorney General

jgf/c