

MAINE STATE LEGISLATURE

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November 18, 1960

FRED L. KENNEY, Director Adm. Services

Education

George A. Wathen, Assistant

Attorney General

Tuition Payment Criteria (Sec. 107, Chapter 41)

I have your request for our opinion regarding the percentage of enrollment and the number of occupational courses necessary for a receiving unit to receive 115% of the legal tuition.

Section 107, Chapter 41, authorizes a child to attend an approved secondary school in another administrative unit where the unit where he has residence does not maintain an approved secondary school or contract for the use of one. This section further provides for the payment of tuition to the receiving school as follows:

Tuition not to exceed 115% of the average cost per pupil in all secondary schools for the state for the preceding fiscal year shall be paid to a receiving unit which has 10% or more tuition students in its total enrollment; a community high school; a school administrative district secondary school. There is then noted an exception to the above which states - " . . . except that, in a secondary school in which the enrollment of tuition pupils is less than 10% of the total enrollment or in which at least 3 courses of study, 2 of which are occupational, are not offered, the tuition shall not exceed the average cost per pupil in all secondary schools of the state for the preceding year."

It is my opinion that this exception relates to the units which are authorized to receive 115% tuition and means that there must be two elements involved to get 115% subsidy; 10% tuition students plus three courses, two of which are occupational.

George A. Wathen
Assistant Attorney General

GAW:H

cc: Hermit Nickerson

cc: Phillip Amas