

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

✓
no

March 27, 1964

Hermit S. Nickerson, Deputy Commissioner
of Education

John W. Benoit, Assistant

Attorney General

Occupational courses; Tuition of Litchfield Students

Your memorandum of March 18, 1964, is acknowledged.

FACTS:

The Town of Litchfield maintained a course of study in its school system for ninth-grade students for the school year 1962-1963 while contracting with Monmouth Academy for the education of Litchfield students in grades 10 to 12, inclusive. Litchfield's ninth grade course of study did not include any occupational courses. Monmouth Academy offered an approved occupational course in Home Economics for ninth-grade students. Some ninth-grade students residing in Litchfield attended the Academy for the purpose of taking Home Economics; and these students maintained a satisfactory standard of deportment and scholarship. The Academy billed the Town of Litchfield for the tuition representing the attendance at the ninth-grade occupational courses by Litchfield ninth-grade pupils. The Town of Litchfield refused to pay the tuition on the ground that their students could take three years of an approved occupational course in Home Economics in the last three years at the Academy. The fourth year course at Monmouth Academy has met general course standards (State) but did not meet all of the requirements for approval as an occupational course.

The department of Education was informally advised by this office that even though a student could conceivably arrange to take three years of Home Economics during the last three years of his high school study, this would not deny a student the right to take the course during the freshman year if the student should elect to do so. Acting on this advice, and in accordance with R. S., c. 41, §108, the Department of Education withheld subsidy from Litchfield in an amount equal to the tuition owed by the Town and paid these moneys to the Academy.

QUESTION:

1. Whether Litchfield's ninth-grade students were legally entitled to attend the ninth grade Home Economics course at Monmouth Academy at expense to the Town of Litchfield?

ANSWER:

Yes.

QUESTION:

2. Whether the withholding of subsidy from Litchfield by the State and the subsequent payment of those moneys to the Academy by the State was authorized by State law?

ANSWER:

Yes.

REASON:

Applicable statutory provisions are:

"Sec. 107. . . . occupational courses; tuition
 Any youth whose parent or guardian maintains a home for his family in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school which offers less than 2 approved occupational courses of study, and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school to which he may gain admission for the purpose of studying an occupational course not offered or contracted for by the administrative unit of his legal residence."

"Sec. 108. Reimbursement to administrative units for tuition and board for pupils attending secondary schools.

When pupils are sent from one administrative unit to an approved secondary school in another, if any accounts for tuition of such pupils are not paid on or before the 1st. day of September of that year, the Commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the treasurer of the receiving administrative unit, academy, institute or seminary at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said 1st. day of September, and the Commis'

March 27, 1964

shall charge any such payment against the apportioned fund of the sending administrative unit." (The 1963 Legislature amended this section by changing the September date to August 15th.; P. L. 1963, c. 403, §7.)

The Town of Litchfield maintained a secondary school program for ninth-year students; and contracted with Monmouth Academy for school privileges in grades ten to twelve, inclusive. The Town did not, itself, offer its ninth-grade students any occupational courses of study. Although Monmouth Academy offered occupational courses to ninth-grade pupils, the contract between the Academy and the Town did not include these courses. Thus, the Town neither maintained an occupational course for the ninth-grade nor contracted for such a course for the ninth-grade students, thereby permitting its youth "to elect to attend some other approved secondary school . . . for the purpose of studying an occupational course not offered or contracted for by the administrative unit of his legal residence."

The contract concerning the last three years of secondary school study did not provide Litchfield students with an occupational course of study because: (1) The occupational course of study at the Academy began in the Freshman year and the contract did not include it; (2) The occupational course of study offered by the Academy to students attending the twelfth year met general course standards but did not meet all of the requirements for approval as a tuition course of study.

Subsidy was legally withheld from the Town and paid to the Academy by the State upon the given facts. R. S., c. 41, §108.

Respectfully submitted,

John W. Benoit
Assistant Attorney General

JWB/eh