

MAINE STATE LEGISLATURE

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Eligibility for Tuition; Two Year Course in Mathematics, Science or Foreign Language.

FACIS:

The 102nd Maine Legislature amended section 1291 of Title 20 of the Revised Statutes by adding the following language to the end of the first paragraph of said section:

"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, and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school in the State to which he may gain admission for the purpose of studying or of completing at least a 2-year course in mathematics, science or a foreign language not offered or contracted for by the administrative unit of his legal residence. Any pupil for whom tuition payment has been denied by the superintending school committee may appeal to the Commissioner of Education for a decision and any payment found to be rightly due shall be adjusted as provided for such cases in section 1292. Except in case of change in the legal residence of the student to a different administrative unit, transfer from one secondary school to another may be made only at the beginning of the school year." P. L. 1965, c. 312.

A pupil of the Town of Webster seeks tuition privileges at Lewiston High School during the senior year for the purpose of studying a course in French III; which course is not available in Webster. In another case, a Bristol pupil seeks tuition privileges at Lincoln Academy for the purpose of studying Latin II. In this latter case, the pupil has completed study of Latin I, and he will be in his fifth year of secondary school study in order to complete the requirements for graduation.

QUESTIONS:

1. Is the Town of Webster liable for tuition under the given facts?

2. Whether the Town of Bristol is liable for tuition under the given facts?

ANSWERS:

See REASON below.

REASON:

The Town of Webster is liable for tuition moneys in order that the reference student study French III at Leviston High School. It is noted that the applicable amendment (10 M.R.S.A. § 1291, as amended by P. L. 1965, c. 319) authorizes tuition attendance "for the purpose of studying or completing at least a 2-year course in mathematics, science or a foreign language * * *." (Emphasis supplied.) The Legislature's use of the emphasized words is evidence of an intention that the reference tuition privilege be granted in connection with the studying of or the completion of a designated minimum course of study in specified fields.

The Town of Bristol is liable for tuition in order that one of its pupils study Latin IX. In this instance, the pupil is undertaking to complete a 2-year course in a foreign language; and it remains only to be determined whether he is ineligible for tuition privileges for the reason that he is studying the language in a fifth year of study in a secondary school. The fact that a student undertakes the study of a foreign language in his 'fifth year' of study in a secondary school does not, ipso facto, amount to disqualification regarding tuition privileges. According to the given facts, the Bristol student is attempting to secure the necessary credits which will permit him to graduate.

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