

# MAINE STATE LEGISLATURE

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**Tuition Privileges as Affected by Administrative Unit's Offer of Same Course.**

**FACTS:**

The Town of Bristol operates a secondary school for resident students; and offers a somewhat limited course of study in modern foreign languages. Because Bristol's program precluded a resident student from completing at least a two-year course in foreign languages, some of the pupils transferred to Lincoln Academy (as tuition students) for the purpose of studying languages not offered in Bristol High School. The authorization for such transfer is found in P. L., 1965, c. 319 (An Act Amending 20 M.R.S.A. § 1291 Relating to Attendance at Secondary Schools Located Outside of the Pupil's Residence.) On September 7, 1965, both Bristol High School and Lincoln Academy opened school; and the students involved are now in attendance at Lincoln Academy.

School officials of Bristol are now considering broadening the curriculum offered at Bristol High School. The reference officials intend to employ a teacher who will give instruction in the languages in question.

**QUESTION:**

If the Town of Bristol employs a foreign languages teacher and offers courses similar to those offered at Lincoln Academy, will the Bristol pupils already enrolled in Lincoln Academy be required to either attend Bristol High School or pay their own tuition to Lincoln Academy?

**ANSWER:**

No.

**REASON:**

The applicable statute, 20 M.R.S.A. § 1291, as amended by P. L., 1965, c. 319, is as follows:

"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."

The last sentence of the reference provision of statutory law permits pupil transfer from one secondary school to another only at the beginning of the school year, except for cases where transfer occurs due to a change in the pupil's legal residence. In the instant case, the school year has begun. The subject students are, therefore, entitled to tuition privileges at Lincoln Academy in the present school year, based upon the given facts and the applicable law.

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