

MAINE STATE LEGISLATURE

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Tuition for State Wards.

FACTS:

The Maine Statutes relating to public schools contain a provision requiring that the Department of Health and Welfare reimburse administrative units for moneys which the administrative units expend for secondary tuition of State wards residing in such units.

"§ 1293. Tuition for State Wards.
Administrative units which do not maintain or support a secondary school shall be reimbursed by the Department of Health and Welfare for the amounts expended by them for secondary tuition of State wards residing in such administrative units."

A State ward residing in School Administrative District #30 is attending Lee Academy pursuant to the terms of a contract existing between the District and the Academy concerning the education of the District's pupils. The Academy is operated by a board of trustees; there being no joint board as is permitted by 20 M.R.S.A. § 1289.

QUESTION:

Whether School Administrative District #30 is eligible for reimbursement by the Department of Health and Welfare pursuant to 20 M.R.S.A. § 1293?

ANSWER:

Yes.

REASON:

The applicable section, i.e., § 1293, prescribes that the Department of Health and Welfare shall reimburse administrative

units for amounts expended by such units for tuition of State wards who reside in administrative units. The section does not prescribe that the Department of Health and Welfare shall only expend such moneys for secondary tuition of State wards who are in attendance at public schools in the administrative units in which they reside. The tenor of § 1293 is that State wards shall be entitled to the same benefits as are afforded to any other secondary tuition student. If the amount expended by the administrative unit for secondary tuition of the State ward is a legitimate expense, then the Department of Health and Welfare must reimburse the administrative unit pursuant to § 1293.

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JWB/eh