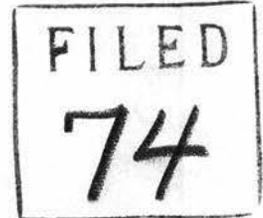


SCHOOLS: Tuition cannot be paid for elementary pupils voluntarily attending other districts and such pupils cannot be counted toward teaching units.

January 17, 1948

F I L E D 74



Mrs. Ada Reynolds
County Superintendent
Huntsville, Missouri

Dear Mrs. Reynolds:

We have your letter of recent date which reads as follows:

"I have a family who owns property in Clark, Missouri. This family has two school children. From Monday to Friday they live in a rented apartment in Centralia, Missouri, where their children attend school. The father attends Missouri University and the mother teaches a rural school near Centralia, hence; the reason for maintaining the apartment in Centralia. The family returns to Clark and spends each week end. Please inform me whether the Clark school district can legally pay the tuition on these children and receive their attendance count back in their district for a teaching unit, or whether these children should be counted as resident pupils in the Centralia district?"

A subsequent letter from you in answer to a request from us for further information reads as follows:

"In my request for an opinion of December 2, 1947, the children referred to are elementary children. These children have not been assigned to the Centralia District by me."

We find no provision in the law for paying the tuition of elementary pupils who attend the school of another district under circumstances outlined in your letter.

Under Section 10461, R. S. Mo. 1939, when elementary pupils are assigned by the County Superintendent to an adjoining district which is more accessible to them, the Board of Directors of the district in which such pupils live are required to pay the tuition of such pupils in the district which they attend. Under Section 10324 of the statutes, Boards of Directors are authorized to pay the tuition of elementary pupils of their district who attend other school districts under arrangements with the sending district, when the enumeration of the sending district is less than 25. Under Section 10464 of the Statutes when an average daily attendance of a district is less than 15 for the preceding school year, the Board of Directors may be required by the State Board of Education to pay the tuition of the pupils of said district to another district. We find no provision, however, which authorizes the Board of Directors to pay the tuition of some of its resident pupils who voluntarily attend another district in the state.

The second part of your inquiry is whether the pupils you mention in your letter can be counted in the Clark district for the purpose of determining the number of teaching units of the Clark district. Section 10456, RSMo 1939 provides in part as follows:

"Teaching units shall be allotted to each and every district on the basis of the average daily attendance in such district during the preceding year. Elementary teaching units shall be determined on the basis of the average daily attendance of the pupils below the ninth grade. High school teaching units shall be determined on the basis of the average daily attendance of pupils above the eighth grade and not above the twelfth grade. Except as hereinafter provided, elementary teaching units shall be determined for each and every district in accordance with the following schedule: Not more than thirty pupils in average daily attendance, one teaching unit; more than thirty but not more than sixty pupils in average daily attendance, two teaching units; more than sixty but not more than ninety pupils in average daily attendance, three teaching units; more than ninety but not more than one hundred and twenty pupils in average daily attendance, four teaching units;

more than one hundred and twenty but not more than one hundred and fifty pupils in average daily attendance, five teaching units; more than one hundred and fifty but not more than one hundred and eighty pupils in average daily attendance, six teaching units; more than one hundred and eighty pupils but not more than two hundred and ten pupils in average daily attendance, seven teaching units; more than two hundred and ten but not more than two hundred and forty pupils in average daily attendance, eight teaching units; more than two hundred and forty pupils in average daily attendance, one teaching unit for each thirty-two pupils or major fraction thereof. * * * In computing the teaching units for a given year, attendance data for the preceding school year shall be used. * * * "

It will be seen by the foregoing statute that teaching units are determined by the average daily attendance in a district during the preceding year. Teaching units are not determined in the Clark district by the number of pupils who are resident in the district, but it is determined by the number of pupils who attend school in the district. Since the pupils you mention in your letter do not attend school in the Clark district, they would not be counted in determining the number of teaching units to which that district is entitled.

Conclusion

It is, therefore, the opinion of this office that a school district cannot pay the tuition of elementary pupils of said district who voluntarily attend school in another district in the state, and that elementary pupils of one district who do not attend school in their own district cannot be counted in their district for the purpose of determining the number of teaching units to which their district is entitled.

Yours very truly,

HARRY H. KAY
Assistant Attorney General

Approved:

J. E. TAYLOR
Attorney General