

**OPINION  
47-239**

April 1, 1947            (OPINION)

TUITION

RE:    Payment of - When

Your letter of March 29 to the Attorney General has been received and contents noted.

You submit three questions upon which you desire the opinion of this office as follows:

1.    Is it possible to collect tuition for the type of student indicated above, in advance?    In other words make one collection of the entire amount due for the entire term at the beginning of the school year.    If payment is refused may the Board refuse admission to the person concerned?
  
- "2.    If a student is living out of our district for a part of the term, and then moves into the District thereby becoming a resident may we collect tuition for the school services rendered while the student was living out of the district.
  
- "3.    May a Board of Education refuse education to any person regardless of the method of collection and regardless of the place of residence."

Answering question No. 1:    While the Board may have the power to impose such a condition to non-resident grade pupils, it would seem to me to be rather harsh and my suggestion would be that the collection of tuition a month at a time would be sufficient to protect the Board.

Answering question No. 2:    If a parent or guardian of children of school age move into a school district with the intention of becoming a resident and then they are not liable for the payment of tuition.    However, the Board may collect tuition for the time that the pupil was not a resident but was attending the school.

I am not quite clear as to what is meant by your third question.    A Board of Education may not refuse education to any pupil if the pupil is legally entitled to school privileges.    On the other hand, the Board of Education may refuse a non-resident pupil to attend even if the payment of tuition is offered, because of lack of room or other facilities.

NELS G. JOHNSON

Attorney General