

OPINION
49-171

May 17, 1949 (OPINION)

SCHOOLS

RE: Tuition

This is in reply to your letter of May 12, 1949, addressed to the attorney general.

You ask for the opinion of this office on the following state of facts:

A family living in Grand Forks city and attending Special School District No. 1, Grand Forks city, have purchased a home just outside the city limits and will live in rural Falconer District No. 59 next year. Falconer district has a school in operation, but this party has his business in Grand Forks and will be sending his children to Grand Forks city next year. Grand Forks city charges \$72.00 tuition per year per pupil.

House Bill 282, enacted by the recent legislative session, provides as follows: "A credit of seventy dollars shall be allowed against tuition charged by the district in which an elementary pupil is enrolled in all cases where the tuition for such pupil is paid by the district in which the pupil resides. An elementary student who lives in a county in this state bordering on another state and who, because of more convenient roads, distances or other circumstances, has the recommendation of the county superintendent of schools to attend a public school in an adjoining state, may attend a public school. The home county shall pay the school district in such neighboring state the amount of \$70.00 toward the elementary tuition for such pupil."

If the tuition charged by the Grand Forks city school is more than \$70.00, you inquire who pays the balance of the tuition.

If the county superintendent, after having investigated the situation, such as convenient roads, distances, or other circumstances, has recommended that the pupils in question attend the city school, then it would be our opinion that the district of the legal residence of the pupils in question should pay the balance of the tuition.

WALLACE E. WARNER

Attorney General