

OPINION
55-104

March 8, 1955 (OPINION)

SCHOOL DISTRICTS

RE: Tuition Payments - Residence

We have received your letter of March 2, 1955, wherein you state that an agreement exists between the Leeds school and the Lake Ibsen district pays tuition on a per pupil basis.

A certain family that resides and owns a farm and votes in the Lake Ibsen district also owns a home in Leeds, and the family moves in for the school term and then moves back to the farm in the spring of the year. The Lake Ibsen district now refuses to pay tuition for a child in said family claiming their residence for school purposes is in Leeds rather than the Lake Ibsen district.

If this family owns a farm home, on which they make their living, and the family lives there during the farming season and the parents vote in that district, we believe that is their school residence. The mere fact that the family owns a home in town and occupies it during the school year for the purpose of attending school does not, in our opinion, make that their residence for school purposes.

Therefore, on the basis of the facts as stated in your letter, it is our opinion that the residence of the family in question for school purposes is in the Lake Ibsen district.

The question of residence is generally determined by a combination of act and intent. Had this family moved into Leeds and established a permanent home there, and voted in the city of Leeds, we believe they would have established a school residence there, but since they make their living elsewhere and vote elsewhere, and only live in Leeds during the school term, it seems obvious that their residence for school purposes is not in the Leeds district.

LESLIE R. BURGUM

Attorney General