Mr. Ralph H. Pryor,
Superintendent of Schools,
Plainview, Minn.

Dear Sir:

Your letter of December 24th, addressed to
Mr. McConnell, Commissioner of Education, has been referred to him by him to this department, with a request that we reply directly to you.

Therein you submit briefly the major facts concerning three children attending your school and inquiring as to the legal residence within the district of these pupils.

The question of residence is one of fact and not of law, and this office cannot undertake to determine the same. It may advise only on questions of law. At most, we can only give you certain general suggestions that may be of assistance in determining the fact.

The right of a child to attend school without the payment of tuition depends upon whether its legal residence for school purposes is within the district. Such residence may be separate and distinct from the residence of his parents or parent. No definite rule of law can be given that will solve the question in all cases. Generally speaking, however, it may be stated that if the presence of a child within the district is for the purpose
only of attending school, and the care and attention
which it may receive is incidental to that purpose, such
child is not a resident of the district, and may be re-
quired to pay tuition. On the other hand, if it is within
the district for the general purpose of receiving personal
care, attention, supervision and nurture, such as is
usually provided in a home, such child is a resident of
the district. The fact that the parent may pay for such
services, or may contribute regularly for the support and
maintenance of the child, is immaterial. Thus, it will be
observed that the general purpose and object of its pres-
ence within the district is the controlling factor. All
of the surrounding facts and circumstances must be taken
into consideration in determining the question. This
office cannot undertake to determine the question upon the
bare facts stated, even if it were within the scope of its
functions to determine questions of fact.

Yours truly,

OMF/D

Assistant Attorney General

Copy to P. C. Tonning