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Minutes, February 21, 1917

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Hartford, Conn.
February 21, 1917.

The regular monthly meeting of the Board of Trustees of the Connecticut Agricultural College was called to order at 11:25 A. M. at the Capitol. Mr. Lyman was appointed chairman pro tem. Those also present were Messrs. Henry, Hubbard, Jarvis, Fanton, Stoddard, King and President Beach of the College.

Minutes of the regular meeting and the previous special meeting were approved without reading.

It was voted that a copy of the opinion of the Attorney General be recorded in the minutes as follows:

"In your recent communication requesting my opinion you state:

'Under a ruling of the Board of Trustees of the Connecticut Agricultural College, students who, at the time of original registration, are non-residents of the State are required to pay a tuition fee of \$60. per year.

In your opinion may a student who becomes of age during the course of his undergraduate studies, acquire a legal and voting residence in the town or state and under the ruling above cited become exempt from the tuition charge required of non-residents of Connecticut.'

You also call my attention to the fact that

while Section 4393 of the General Statutes provides that the Connecticut Agricultural College shall remain an institution for the education of youth whose parents are citizens of this state, Connecticut has accepted the provisions of the Federal Land Grant Act of 1862 and subsequent legislation by Congress, including the Morrill Act of 1890, and the Nelson Act of 1907, under which Connecticut receives annually \$56,750.00, while the state appropriates \$40,000.00 for maintenance, and makes special appropriations for buildings and equipment. You further state that it has been claimed that said tuition charge imposed under the rule adopted by the trustees, as authorized by Section 4396 of the General Statutes, may bar a non-resident from educational advantages supported in part by federal funds.

The statement which you also submit as to the tuition fees charged in other Land Grant colleges in other states shows that in most cases non-resident students are, as in this state, charged a tuition fee of varying amount, and in institutions by which a tuition fee is charged to resident students a larger fee is charged to non-residents. It thus appears by this practical construction of the Land Grant Acts, which construction has, so far as appears, been acquiesced in by the federal authorities administering said acts, that the acceptance of the pro-

visions and benefits of such acts does not prevent a discrimination in the matter of tuition fees as between resident and non-resident students.

The rule adopted by the trustees of the Connecticut Agricultural College is, in principle, in harmony with this construction. In the case of most of such colleges in other states, however, a student who was a non-resident at the time of original registration and charged tuition fees as such is given the benefit of the rate for resident students upon a bona fide change of residence, to the state in which the college is located, of the parent or guardian of the student, if a minor, or upon his becoming of age and a legal resident of such state. The rule of the trustees of the Connecticut Agricultural College, as in Rhode Island and Iowa, determines the status of the student as of the time of original registration, which status, under the rule as it stands, continues during his college course, and is not changed by the acquirement by his parent or guardian, or by himself on becoming of age, of a legal residence in this state so, as to secure exemption from the tuition fee charged non-resident students. Whether said rule should be so modified by amendment as to conform to the practice prevailing as to Land Grant Agricultural Colleges in most of the other states by granting exemption from said tuition

fee to a student admitted as a non-resident if and when he acquires a residence in Connecticut, is a matter resting in the discretion of the trustees.

The principles applicable to change and acquirement of residence are, I think, sufficiently considered and expressed in a recent opinion by this department to which reference may be had if required.

See Opinions of Attorney-General, 1915-1916, p. 138.

Respectfully submitted,

(Signed) George E. Hinman
ATTORNEY-GENERAL*

Meeting adjourned.

Attest: O. F. King,
SECRETARY.