

## Tuition Quiz

### Tough

#### Questions for Schools and Parents

#### Costs

of living in the frum community are rising every year. Along with regular expenses, the cost of yeshiva tuition is also an increasing financial burden.

Likewise,

many schools are struggling with financial challenges and are having difficulty

making ends meet. How can they pay their teachers when the parents do not pay

tuition fees?

What

are the halachic considerations in collecting tuition from parents? And how far

must parents go in order to pay their obligation?

### **Aggressive Collection**

Can

the school act aggressively in collecting tuition?

לא תהיה כנושה

*‘Thou shalt not be as a creditor’.*

There

is an *issur*, a biblical proscription, of exerting excess pressure on one’s debtor. Does this apply to pressuring parents to pay tuition?

The *Kesef*

*Kodshim* rules that the above prohibition is **limited to loans**. However, when the *yeshiva*

grants an extension of the tuition payment, it may, at that point acquire the status of a loan, triggering the restriction of excess pressure. Furthermore, this prohibition is unique in that it’s only where it’s certain to the lender that the borrower doesn’t have the means to pay and we don’t apply the regular

rule of “safek deoraisa lchumra” (one must be stringent when in doubt regarding a biblical prohibition).

### **Using a Collection Agency**

If

the school is unable to collect tuition, are they permitted to turn the debt over to a collection agency?

The

Rema is stringent, not allowing use of a gentile to collect a debt. The Rema, however, in the *Darchei Moshe*, his remarks on

the *Tur*, allows selling a financial obligation to a

gentile. The *Tumim* also allows using a gentile to collect where the other party is a *gavra alima* (a difficult individual). A practical means, perhaps,

of efficiently collecting the tuition may be to publicize the delinquency if

the other party is uncooperative. Certainly one should consult with rabbinic

guidance before exercising this option.

### **Punishing the Children**

If

the tuition is not paid up and the parents are in arrears, may the child be sent home from *yeshiva*?

The

community is obligated to create a school. If a parent cannot afford tuition, the community should provide for that individual. (The *Vilna Gaon* explains that this is an obligation of Tzedaka.) The *Shulchan Aruch Harav* says that this obligation should be split in the community according to wealth.

It

needs to be determined if our current school system can be called a community school,

or are they private institutions? There are a number of halachic differences that evolve depending on whether the schools are public or private.

If

they are perceived to be private institutions, one could argue that raising funds for parents who cannot pay tuition is not an obligation of the school, but an obligation of the entire community. The leaders of the community should

arrange funding for such parents thus avoiding the terrible consequences of a

child being sent away from school and learning.

However,

if we view the schools as a fulfilment of the communal obligation, then we can

suggest that the school board, or leaders within the school of some other capacity, have taken over the responsibility of ensuring that every child merits a proper Torah education. It goes without saying, that there must be a

consistency as far as how the schools project themselves.

### **Overextending the Parents**

How

far are the parents obligated to extend themselves in order to pay their tuition fees?

Paying

tuition should be treated with at least as much respect as any other financial

obligation. (If a person is truly in need of Tzedaka, see the previous section for the details.) As far as

*bal talin* is concerned (the

obligation for one to pay their financial obligation in a timely manner on the day of service), it is necessary for us to determine if the service provided by the school is like that of a worker, or considering that one is not paying the teacher

directly, we would view it like a sale of goods in which case *bal talin* would not apply. Furthermore, if the

school obligates the parents to pay in the beginning of the month, that may also cause us to view the service provided by the school as a sale (as a worker

is generally paid at the completion of the job) and therefore there will not be

an issue of *bal talin*. However,

once the month ends perhaps it transforms at that point into an obligation for

the work, thus invoking *bal talin*.

The

discussion on paying tuition debts can be an emotional and heated one. It is important to remember the halachic rulings for every step in the tuition collection process. This article is intended for educational purposes only, and

when practically relevant, one should contact a competent Halachic authority.