

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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December 23, 1946

To Harry V. Gilson, Commissioner of Education

Re: Authority of Commissioner to establish maximum pupil enrollment per teacher

I have your memo of December 13th relating to the above entitled subject matter. You state that various conditions, including an increased birth rate, a shortage of teachers and increased costs of maintenance, are causing various communities throughout the State to maintain badly overcrowded classes, both from the standpoint of classroom space and the number of pupils under the supervision of one teacher, 70 to 80 pupils, in some cases, being served by one teacher in a classroom. Numerous complaints have been received from parents whose children are attending schools under such conditions.

In the second paragraph of your said memo you call my attention to paragraph XII, Section 3 of Chapter 37, which provides that it shall be the Commissioner's duty "to cause an inspection to be made and to report to the school committee his findings and recommendations whenever the superintending school committee or the superintendent of schools of any town, or any 3 citizens thereof, shall petition him to make an inspection of the schools of said town; and to prepare a list of standards of buildings, equipment, organization, and instruction and to give such ratings upon such list of standards to any schools that are inspected under the provisions of this paragraph as their general condition, equipment, and grade of efficiency may entitle them."

On the basis of the statement of facts contained in paragraph one and the law cited in paragraph two of your said memo, you ask whether it is correct to assume that the Commissioner of Education may prescribe the maximum per pupil-teacher ratio which the schools of a town shall not exceed without risking the forfeiture of State school moneys.

In answer to your query I will say that it is my opinion that under the law quoted in paragraph 3, the Commissioner of Education, if he finds upon inspection that the instruction per pupil is insufficient, may prescribe the maximum per pupil-teacher ratio which the schools of a town shall not exceed without risking the forfeiture of State school moneys.

RALPH W. FARRIS
Attorney General

December 23, 1946

To Harry V. Gilson, Commissioner of Education

Re: Paragraph 2, Section 204, Chapter 37, R. S. 1944

I have your memo of December 13th relating to the above entitled subject matter, in which you state that when amendments to Section 204 of Chapter 37 were prepared for consideration by the 1945 legislature, to permit increased subsidies to towns and the establishment of a minimum salary of \$1000, a specific provision was included to make the in-