

MAINE STATE LEGISLATURE

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August 2, 1962

Mr. Rufus Prince, Clerk
Leavitt Institute
Turner, Maine

Dear Sir:

This is in answer to your letter of July 26, 1962. You again inquire whether or not Leavitt Institute may be designated as a public school of the Town of Turner.

For the purposes of direct State educational aid to Leavitt Institute, the school could not be designated a public school except upon conveyance to the Town of Turner by the Trustees of the school all of the real property of the school, and a vote of the citizens of the Town to accept Leavitt Institute as the Town's public school.

For the purposes of receiving educational subsidy under the National Defense Education Act via the State Board of Education, I will quote in part from the opinion of this office dated January 15, 1962.

"It is my opinion that the present arrangement of the superintending school committee acting ex officio as the executive committee is not a substitute for the joint committee authorized under section 105 of chapter 41.

"The existence of a joint committee, a tuition contract between the town and the institute, as well as the requirements under chapter 41, sections 125 through 129, that the academy make reports to the Commissioner of Education, is subject to the State Board of Education regulations, and is subject to audit by the Commissioner of Education when receiving tuition payments is sufficient to warrant a conclusion that an academy would qualify as a "public school" under the National Defense Education Act of 1958."

Mr. Rufus Prince, Clerk

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August 2, 1962

I would like to point out that those academies which are receiving aid under the National Defense Education Act have a joint board with the Town and a tuition contract.

Very sincerely yours,

Richard A. Foley
Assistant Attorney General

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cc: Commissioner Warren G. Hill