

MAINE STATE LEGISLATURE

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February 23, 1965

Honorable John H. Reed

Executive

Jerome S. Matus, Assistant

Attorney General

Eligibility of Maine School Administrative District to receive federal grants under Part A, Title II of P. L. 88-452 (The Economic Opportunity Act of 1964).

FACTS:

A school administrative district organized under the provisions of the Maine Revised Statutes desires to apply for grants from the federal government to implement a Community Action Program under Part A, Title II, of P. L. 88-452, which Public Law is known as the Economic Opportunity Act of 1964.

QUESTION:

Does a school administrative district organized under the provisions of the Maine Revised Statutes, have the authority to enter into contracts with, and to receive grants from the federal government, to carry out and develop a Community Action Program under Part A, Title II of the Economic Opportunity Act of 1964?

ANSWER:

No.

OPINION:

The policy of the State of Maine in encouraging the development of school administrative districts is to provide more equalized educational opportunities for pupils, to establish satisfactory school programs and to achieve a greater uniformity of school tax rates among the districts and a more effective use of public funds expended for the support of public schools.
20 M.R.S. § 211.

The management of the affairs of a Maine school administrative district by a board of school directors must fall within the scope of the policy of the State set forth in 20 M.R.S. § 211. Therefore, the management of the school affairs of a Maine school administrative district is limited to educational purposes.

The Community Action Program under Part A, Title II of the P. L. 88-452, the Economic Opportunity Act of 1964 is an attack on poverty and only incidentally relates to education.

Section 205 (b) of Part A, Title II of the Act specifically provides: "No grant or contract authorized under this part may provide for general aid to elementary or secondary education in any school or school system." In view of section 205 (b), and as school administrative district functions are limited by state policy to educational purposes, a school administrative district through its board of school directors does not have the authority to enter into contracts with and receive grants from the federal government to implement a Community Action Program under Part A, Title II of P. L. 88-452.

School administrative districts can look to assistance from another part of P. L. 88-452. Reference is made to Part B, Title II of P. L. 88-452. The purpose of Part B is set forth as follows:

"It is the purpose of this part to initiate programs of instruction for individuals who have attained age eighteen and whose inability to read and write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, so as to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and making them better able to meet their adult responsibilities." Section 213, Part B, Title II, P. L. 88-452.

Under said Part B, the Director of the Office of Economic Opportunity shall make grants to States which have state plans approved by him. Section 213 (a). The approved plan must provide for administration by the State Education Agency, Section 214 (a) (1). But the grants may be used to assist local educational agency programs within the scope of Part B. The definition of a local educational agency under Part B would include a Maine school administrative district. Section 218 (2).