

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 18, 1974

To Asa Gordon, Deputy

Dept. Education & Cultural Services

From Harrison B. Wetherill, Jr., Asst.

Dept. Attorney General

Subject Vocational Education

In your memo of October 23, 1974 you have asked several questions concerning the organization of vocational regions under 20 M.R.S.A. §§ 2356 (A-H). I will answer the questions you have raised in the order that you asked them:

1. May a cooperative board appoint a director of vocational education as its chief school officer and vest in him those duties normally assigned to a superintendent under 20 M.R.S.A. § 161? The answer is yes.

Section 2356-G provides for the employment on the staff of each regional vocational center of a local director of technical and vocational education who shall meet such qualifications as may be prescribed by the State Board of Education for all such positions. Section 2356-G further provides that "the director shall be responsible to the appropriate administrative officers of the administrative school unit operating the center." The duties and responsibilities of the director are not fixed by statute. He is made responsible only to the cooperative board which is charged by § 2356-A with the administration of the vocational region. The cooperative board may assign powers and duties in their discretion to the director which might include powers and duties similar to those assigned by 20 M.R.S.A. § 161 to superintendents.

You have also asked whether a director must obtain full certification as a superintendent. The answer is no. He need only obtain full certification as a director after meeting such uniform qualifications as the State Board of Education might prescribe under § 2356-G.

2. May a cooperative board appoint a vocational director as its chief school officer or must the board appoint one of the local superintendents as the chief school officer? This question was answered above. There is no provision in the statute for appointment of a local superintendent as chief school officer for the region nor may the director be made responsible to anyone other than the cooperative board members who are the administrative officers of the region.

3. This question dealing with the method of payment of a superintendent appointed as chief school officer of a region is moot,

since as explained above, the board has no authority to make such an appointment.

4. May a superintendent serve as a secretary or treasurer on the cooperative board? The answer to the question is no.

Section 2356-A(5) states that the cooperative board members shall meet . . . and shall organize by electing a chairman, a vice-chairman, a secretary The cooperative boards shall select a treasurer . . .". In accordance with the above language the officers of the cooperative board, including the secretary, but excluding the treasurer, must be elected from among the members of the board. The treasurer may be either a board member or a non-board member. A superintendent may not serve as a member of a cooperative board, and thus could not be elected as secretary. Even though the treasurer may be selected from among non-board members, a superintendent could not be selected as treasurer since he cannot serve simultaneously as both adviser to and employee of the board.

5. Can the vocational director, elected by the board, also serve as secretary or treasurer to the board? The answer is no. The position of director would be incompatible with that of either board member, secretary, or treasurer.

6. Can a town selectman serve as a member of the cooperative board? The answer is yes.

Section 2356-A(5) states that "membership of the cooperative board shall be made up from any citizen in the administrative units in that area . . . , except that those citizens who by holding another office have duties conflicting with those of the cooperative board shall not be selected." It has already been stated above that both school superintendents and directors of vocational education have duties which would conflict with those of a cooperative board member and therefore cannot be selected for the board. Selectmen of towns whose budget is voted on by the citizens at a town meeting, however, do not have duties which would be conflicting and therefore may serve as members of the cooperative board. Members of a town council, on the other hand, must, under § 2356-A(5), vote on the vocational region budget submitted by the cooperative board and such town councilors would therefore be ineligible to serve on the cooperative board.

You have asked, in addition, what other town officials might be ineligible to serve on the cooperative board as a result of conflicting duties. The possibilities being so varied, this question must be answered on a case by case basis as questions arise.