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March 18, 1975

Asa A. Gordon, Deputy Comm't.

Educational and Cultural Serv.

John W. Benoit, Jr., Deputy

Attorney General

Reorganization of School Union #76

This is a response to your memorandum dated March 3, 1975, proposing three additional questions relating to the reorganization of School Union #76. In a writing dated February 12, 1975, this office rendered an opinion on several questions relating to School Union #76. The answers to those questions requires that consideration be given to additional matters in the reference Union.

1. Your memorandum asks,

"Can the Commissioner approve plans for a school union composed of the Deer Isle-Stonington C. S. D. and the towns of Brooklin and Sedgwick which provide for a joint board of six C. S. D. school committee members, three members from the town of Brooklin, and three members from the town of Sedgwick?"

We answer this question in the affirmative. The provisions of 20 M.R.S.A. § 153, relating to a joint school committee in a school union are incorporated by reference in 20 M.R.S.A. § 356. The Legislature intends that the full membership of the school committees comprising the towns in a union make up the joint committee. We understand that the reference Community School District has a board of six members and that each one of the other municipalities to be considered respecting formation of the union have three members a piece. Therefore, the joint board would consist of those twelve members.

2. Your second question asks,

"Does section 471 require that the community school district of Deer Isle-Stonington have only three members designated to serve on the joint committee of the school union?"

This question is answered in the negative. What we have said in our answer to the first question equally applies to this question.

3. The third question in your memorandum asks,

"If a joint committee is formed with membership from the community school district and the two towns, does the community school district have veto power by virtue of employing a majority of the teachers in the school union and paying more than half the salary of the superintendent?"

We answer this question in the affirmative. 20 M.R.S.A. § 153 provides that:

" * * * The election of superintendent of schools shall not be effective unless said election shall be approved by the superintending school committee of the town in the said union having a majority of the teachers in the towns comprising the union and paying not less than one-half of the salary, exclusive of any sums paid by the State for the purpose * * * ."

Because the provisions of § 153 are incorporated by reference in the community school district provisions, already mentioned herein, we interpret the word "town" as meaning "unit."

JOHN W. BENOIT, JR.
Deputy Attorney General

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