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H. Sawin Millett, Commissioner — Educational and Cultural Serv

John W. Benoit, Jr., Deputy — Attorney General

Selection of Superintendent of Schools by School Union and Community School District

A question has been raised whether a School Union may legally assess a Community School District for the services of a Superintendent of Schools plus office expenses without allowing the Community School District to vote on the question. The answer is no.

According to the provisions of 20 M.R.S.A. § 359, a Community School District may elect a Superintendent of Schools. Thus, in the event that a School Union and a Community School District cannot agree upon the employment of a Superintendent of Schools and the sharing of expenses, the Community School District may go its own way. Nothing in the laws relating to public schools in Maine authorizes a School Union, on its own motion, to assess a Superintendent's salary and expenses of his office upon a Community School District.

Although we have answered the question posed, we realize that no State issue exists. In the event a Community School District believes that a School Union has illegally assessed a Superintendent's expenses upon it, legal advice should be sought from the attorney representing the District. At the same time, before a School Union makes such an assessment, it seems advisable for it to determine, from its own attorney, whether such an assessment would be valid.

Thank you for your attention.

JOHN W. BENOIT, JR.
Deputy Attorney General

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