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Education Changes in School District Representative
OK 20 MRSA 360-B

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AUGUSTA, MAINE 04333

March 25, 1977

Honorable Maynard Connors
House of Representatives
State House
Augusta, Maine 04333

Re: Town of Franklin and the Schoodic Community School District

Dear Representative Connors:

Your oral request for an opinion as to whether the town of Franklin may unilaterally vote to have other persons represent it on the Schoodic Community School District's joint school committee than those who represent it on the district's board of trustees has been referred to me for attention.

The power to elect or to appoint school officers, such as the trustees of a community school district, is regulated by statute. *Lorang v. High School Dist. "C" of Cascade County* (Mont. 1952) 247 P. 2d 477 at 479. Pursuant to 20 MRSA, section 360-B, if the towns had voted favorably on the second article in section 360-A, then the "3 trustees for each town shall be chosen from the membership of the school committee by the school committee" and the "trustees shall have the duties of the board of trustees and the school committee as provided in sections 352 and 356." Based on the information in the Department of Educational and Cultural Services, the Schoodic Community School District was formed in September, 1973, and the towns in the district voted favorably on the second article contained in 20 MRSA, section 360-A. It is my opinion that once the second article was favorably voted upon, then the trustees must be appointed as provided in § 360-B.

There are no provisions in Title 20 for an individual town within a community school district to reconsider its vote on the

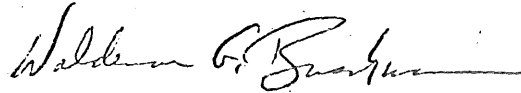
¹"Article _____ To see if the town will vote to have 3 members of its school committee serve as district trustees."

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second article of section 360-A. Therefore, the town of Franklin's unilateral vote to have separate individuals represent it on the district's joint school committee and on the district's board of trustees was taken without statutory authority. It is my opinion that this vote cannot change the method in which the town of Franklin will be represented on the district's board of trustees.

The Legislature would have to enact enabling legislation before a vote in an individual town would be able to change that town's representation on the district's board of trustees.

Respectfully yours,



Waldemar G. Buschmann
Assistant Attorney General

WGB:va