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Referendum: School Boards

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April 28, 1977

Honorable Michael E. Carpenter
The Maine Senate
State House
Augusta, Maine 04333

Re: Teacher Contract

Dear Senator Carpenter:

This letter is in response to your oral request of April 27, 1977. You have inquired as to whether the citizens in a school administrative district may initiate a referendum to overturn the vote by the board of directors not to renew the contract of a principal.

There is no authority in the education statutes to allow the citizens in a school administrative district to use a referendum to overturn decisions made by the district's board of directors.

20 M.R.S.A. section 161, sub-section 5, places the responsibility with the board of directors to hire the teachers for the school administrative district. For the purposes of sub-section 5 a principal would be considered a teacher. Sub-section 5 requires that the board of directors give a teacher, who is on a continuing contract, at least six months' notice that his contract will not be renewed. A teacher who has been notified that "his contract is not going to be renewed" may "during the fifteen days following such notification request a hearing with the school committee or governing board. He may request reasons . . . Such hearing must be granted within thirty days of the receipt of the teacher's request." This procedure is the sole statutory provision for relief from decision by the board not to renew a contract.

In light of the foregoing, it is my opinion that there is no statutory authority for the citizens of a school administrative district

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to challenge the vote of the board of directors by means of a referendum. The only recourse an aggrieved teacher has is to request a hearing and to request reasons for the non-renewal of his contract.

Respectfully yours,

WALDEMAR G. BUSCHMANN
Assistant Attorney General

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