**Annual Certification of Superintendent Requirement**

**NOTE: Superintendents must share this information with school board chairs**

To meet the requirement for annual certification of employment of superintendent of schools, school administrative units (SAUs) must do the following:

1. Superintendents must deliver this notice to the School Board Chair;
2. School boards must meet by December 31st to elect a superintendent, if their superintendent’s contract expires in the following calendar year; and
3. School boards must submit a report on employment of their superintendent to the Maine Department of Education.

**Election of Superintendent**

[Title 20-A M.R.S.A. Section 1051 (2)](http://legislature.maine.gov/legis/statutes/20-A/title20-Asec1051.html) requires that school boards of school administrative units meet no later than December 31 of **the year preceding the expiration** of the superintendent's contract to elect a superintendent by majority vote of the full membership of the board.

Superintendents are elected for specific terms not to exceed 5 years.  The term of office for any superintendent shall end on June 30, with the year to be specified by board vote.

The superintendent must hold a valid superintendent's certificate at the time he /she takes office.

The motion to elect the superintendent and set the superintendent's salary should specify the time frame within which the offer must be accepted by the superintendent or candidate.  Non-acceptance of the offer means that a vacancy will occur at the expiration of the current contract agreement.  In the event of a vacancy, you may wish to contact the Maine School Management Association to obtain a copy of "Selection Procedures for Superintendent of Schools".

**Election of Agent**

The employment of an Agent is possible only under specific conditions. Please refer to the statutory provisions in Title 20-A M.R.S.A. Section 1051 for clarification.

**Report to Department of Education**

Title 20-A M.R.S.A section 1051(5) requires the chairperson and secretary of the school board to certify under oath to the Commissioner, on forms provided by the Commissioner, all facts relating to the unit's selection of a superintendent.

Pursuant to the statute, a Certification of Employment Form must be submitted (1) annually; (2) when a new superintendent is chosen; and (3) when an existing superintendent's contract is extended, or changes are made to the compensation paid to the superintendent.

**Download the** [Certification of Employment Form (EF-A-605)](https://stateofmaine-my.sharepoint.com/personal/danielle_mckay_maine_gov/Documents/My%20documents/Cert%20of%20Employment%20info/Cert%20of%20Employment%20Form%202020-21.docx)

*A copy of the minutes of any board action relating to the superintendent’s contract, and a copy of the superintendent’s contract must accompany the completed Certification of Employment form filed with the Commissioner.*

If the school board has voted to elect a superintendent or otherwise change the superintendent’s contract, please submit the form as soon as possible following the board action.

**Download the** [Agent in Lieu of Superintendent Form](file:///C%3A%5CUsers%5Crichard.bergeron%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CO5XQHIK2%5CAgent%20in%20lieu%20of%20Superintendent.docx)

**Additional School Union Requirements**

Regarding school unions, it should be noted that the union committee of each school union is required by statute to meet annually in December to carry out the various duties set forth in 20-A M.R.S.A. Section 1902.  This obligation exists whether or not a superintendent is being selected.

Also pertaining to school unions, in supervisory units where more than one administrative unit employs the superintendent, voting at the December meeting must be done on a weighted basis pursuant to Section 1902. A complete list of votes by unit using the 2016 estimated census counts is available at: <https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/UnionCommitteesandCombinedBoards_forFY21.pdf>

*If you notice any errors in the number of school board members in any of your units, please contact us as soon as possible.*

A copy of the completed Certification of Employment form must be filed with the treasurer of each member town of a school union.  Forms may be reproduced locally to meet needs.

**Superintendents of schools are responsible for delivering this notice and appropriate materials to the chairperson of each board. If you have any questions regarding this letter, please call the Maine Department of Education at 624-6663.**