

TESTIMONY IN OPPOSITION TO

L.D. 513

AN ACT TO ALLOW THE SPOUSE OF A SCHOOL BOARD
MEMBER TO SERVE AS A STIPEND EMPLOYEE WITHIN THE
SCHOOL BOARD'S JURISDICTION

OFFICERS

PRESIDENT

Faye Anderson
RSU 22

March 13, 2025

PRESIDENT-ELECT

Joseph Long
MSAD 35/RSU 35

Senator Rafferty, Representative Noonan Murphy and members of the Education and Cultural Affairs Committee. I am Steven Bailey, the executive director of the Maine School Boards Association, testifying on behalf of the legislative committee of the Maine School Boards Association in opposition to L.D. 513.

VICE PRESIDENT

Roy Gott
RSU 24

This bill is a repeat of L.D. 1323 that was adopted in the 130th Session of the Legislature. It sunset in 2024 when it was not renewed. At the time this bill was introduced in 2021, the Maine School Boards Association offered testimony in opposition to the concept of this bill. Their position has not changed.

**IMMEDIATE PAST
PRESIDENT**

Jane Osborne
Deer Isle-Stonington CSD

The bill was initially introduced to help with shortages of coaches and other employee positions paid by stipend. While it did operate, and some might say successfully during the three years it was in play from 2021-2024, there were and are situations where this provides very questionable employer – employee relationships. It sets the stage for conflicts of public interest and creates the appearance of conflicts, both of which can erode public trust in the school district.

EXECUTIVE DIRECTOR

Steven W. Bailey

School board members, as a board, have one employee: the superintendent. They hire, supervise, and evaluate the superintendent. The superintendent is responsible for recommending and hiring all other staff (principals and teachers, by statute must be approved by the school board before they can be hired). School district positions that are paid by stipend most often are interviewed and recommended by a principal or director, and are then hired by the superintendent. They are usually directly supervised by the principal or director, but ultimately the supervisory responsibility rests with the superintendent.

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**MAINE COUNCIL OF
SCHOOL BOARD
ATTORNEYS**

Isabel Ekman, Esq., Chair

When a spouse of a school board member is hired to a position paid by a stipend, the following precipitous loop gets created:

- School board collectively hires and supervises superintendent
- Superintendent hires and is responsible for supervision of staff
- Spouse of school board member gets hired to a position paid by stipend.
(Thus the spouse of the supervisor of the CEO becomes an employee, and within some circumstances the employee, indirectly, has influence over the relationship between the superintendent and school board member).

In the best of situations, this doesn't become an issue, and all parties are able to keep in their lane and all goes well.

In other situations that don't go as well, the spouse may need to be tightly supervised, or in some situations, disciplined, by a principal or director who knows that the spouse of the employee is on the school board and may have influence over the superintendent or provide difficulty for the principal / director to be doing the job they should be doing to supervise employees under their direction.

These conflicts are not only a distraction to the important work of school boards, but they call into question the integrity of the process. The performance of coaches and their hiring and firing can become very controversial in a community and without question could lead to claims of preferential treatment if their spouse is on the school board.

The role of the school board is to adopt policies that inform best practices for how the district is run. Those policies can be controversial depending upon the situation. If the spouse of a school board member runs afoul of a policy in their work in the district, it creates an untenable conflict of interest for the board and is not in the best interest of the students they serve. The legislative committee of MSBA urges you to vote no to L.D. 513.