



March 30, 2025

Re: LD 1222, An Act to Limit Sovereign Immunity for Schools and School Superintendents

To: Senator Carney, Representative Kuhn, and the Committee on Judiciary

The Maine Chapter of the Freedom From Religion Foundation (MC-FFRF) writes AGAINST LD 1222, An Act to Limit Sovereign Immunity for Schools and School Superintendents.

Sovereign immunity protects government entities, including schools and school officials, from being sued in many instances. The principle is that a government or its divisions (such as public schools) should not be easily subjected to lawsuits unless the government waives that immunity. This protects public resources and maintains the separation of powers between the branches of government. Limiting sovereign immunity for schools and school superintendents could harm both the education system and the individuals who rely on it.

One of the key reasons for maintaining sovereign immunity for schools and school superintendents is to preserve the effective functioning of public education systems. Schools serve a vast number of children and their families, and operate on tight budgets while facing numerous challenges. If schools and school officials were exposed to a large number of lawsuits, it would divert essential resources away from educational programming and services.

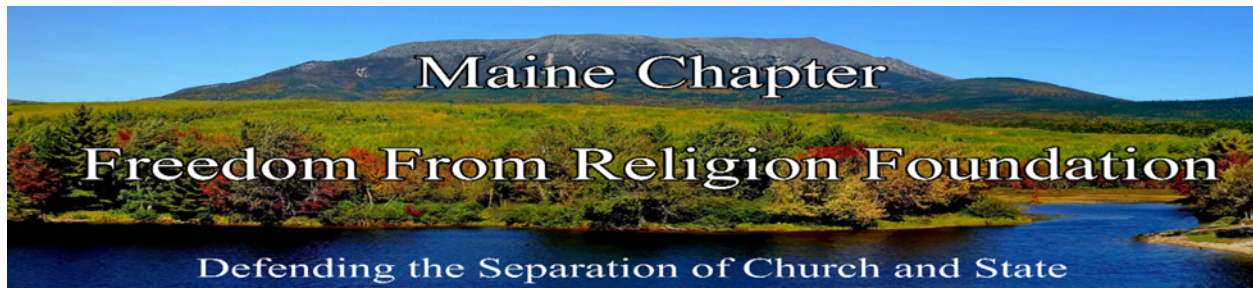
Requiring public schools to face expensive lawsuits would likely drain resources from the very services students need, such as classroom supplies, teacher salaries, extracurricular programs, and other educational activities. School officials would also be burdened with the stress and distraction of legal battles, which could detract from their focus on the students and their educational responsibilities.

The fear of litigation could lead to increased caution in decision-making, preventing school administrators from taking reasonable risks that could improve the educational experience. For example, decisions regarding innovative programs, student discipline policies, or safety measures might be overly restricted, as administrators may fear the threat of lawsuits. This could stifle creativity, reduce flexibility, and limit the ability of school leaders to address issues effectively.

School superintendents and educators are already burdened with challenging responsibilities, including managing complex educational systems, ensuring compliance with various regulations, and addressing the individual needs of students. Removing or limiting sovereign immunity would

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place an additional layer of personal liability on school leaders, potentially deterring qualified professionals from pursuing careers in education.

The potential for lawsuits would create an environment of fear and hesitation, where school superintendents and educators could be hesitant to make decisions or take necessary actions due to the risk of personal financial repercussions. If individuals fear being held personally liable for decisions made in good faith, it could lead to an erosion of leadership in schools and make it harder for educational institutions to recruit and retain talented, dedicated professionals.

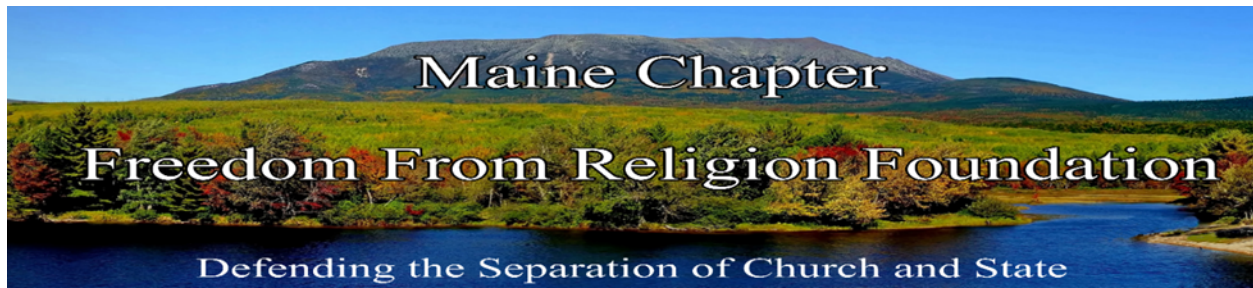
In addition, limiting sovereign immunity for school officials could exacerbate the already high turnover rates in education. Teachers and administrators may decide that the risks associated with leading a school are too great, contributing to a shortage of qualified professionals in an already overstretched system. Teachers are already under significant pressure to balance educational responsibilities, student needs, and compliance with standards. Adding the possibility of personal liability for their actions would only further complicate their role.

Opponents of sovereign immunity for schools and school superintendents often argue that it is necessary to hold schools accountable for negligence or misconduct. There are existing mechanisms in place to address issues of misconduct or negligence within the school system. Schools are subject to a wide range of oversight, including local school boards, state departments of education, and federal education agencies. Additionally, there are professional codes of conduct and internal review processes that address complaints and allegations against school employees.

Moreover, in cases of gross negligence or criminal misconduct, there are already legal frameworks in place that allow for appropriate legal action, including criminal charges or civil suits. Removing or limiting sovereign immunity for schools would not necessarily improve the accountability system but would instead expose schools to an overwhelming flood of lawsuits, many of which may be frivolous or based on misunderstandings.

A litigious atmosphere can also foster distrust and divisiveness between teachers, parents, and administrators. Rather than working together to address issues, the fear of lawsuits could lead to a breakdown in communication, a reluctance to share information, and a decreased willingness to cooperate. This culture of litigation would not serve the interests of students, who need educators and school officials to collaborate and work in their best interests.

Finally, removing or limiting sovereign immunity would likely lead to an increase in lawsuits filed against schools. Even if many of these lawsuits are dismissed, defending against legal claims can be expensive and time-consuming. Schools would need to divert funds toward legal expenses,



including attorney fees, court costs, and settlements, all of which could further deplete the already limited resources available for educational programs.

In the worst case, a school could face a large payout due to a lawsuit, which could drain funds that are needed for educational services, support staff, or student programs. The financial burden of litigation could be particularly devastating for smaller, underfunded districts that already struggle to meet the needs of their students.

Sovereign immunity serves an important purpose in protecting the ability of schools to operate efficiently and fairly. By maintaining this protection, we ensure that schools can focus on providing quality education and a safe environment for students without being constantly weighed down by the threat of lawsuits. Schools should remain accountable through proper oversight and internal procedures, but they should not be subjected to the overwhelming financial and operational burdens that would result from limiting sovereign immunity.

For these reasons, MC-FFRF urges the committee to vote “OUGHT NOT TO PASS”. Thank you for your time and consideration.

-Ray Vensel, President