

Maine Education Association

Grace Leavitt President | Jesse Hargrove Vice President | Beth French Treasurer
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

Testimony

In Opposition

LD 1102: An Act to Authorize a Recall Election for a School Board, LD 1181, An Act to Allow for the Recall of any Elected Municipal Official for Any Reason, and LD 1443, An Act to Establish a Recall Process for a Public School Board.

John Kosinski, Government Relations Director, Maine Education Association

Before the State and Local Government Committee

April 21, 2023

Senator Nangle, Representative Stover and other esteemed members of the State and Local Government Committee,

My name is John Kosinski (he/him) and I am proud to serve as the Director of Government Relations for the Maine Education Association (MEA). The MEA represents 24,000 educators in the state of Maine, including teachers and other professionals in nearly every public school in the state and faculty and other professional staff in the University of Maine and Community College Systems.

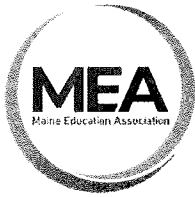
I submit this testimony on behalf of the MEA in opposition to LD 1102, *An Act to Authorize a Recall Election for a School Board*, LD 1181, *An Act to Allow for the Recall of any Elected Municipal Official for Any Reason*, and LD 1443, *An Act to Establish a Recall Process for a Public School Board*.

As you are likely aware, across the state and across the country, there has been an uptick in unruly behavior at some school board meetings and incendiary comments hurled at school board members and other public officials. It is important to note, the overwhelming majority of school board or other municipal meetings continue to operate with no issue or concern. Every week all across our state, school boards meet, conduct their business, and oversee the operation of schools with little to no fanfare. But there are pockets of disgruntled citizen activists regularly appearing in a few places of the state. In some cases, parents have legitimate concerns they want to raise about local schools. In other areas, parents may be waging a war against the schools guided by outside actors or falsehoods they may have heard about on TV or social media.

Under current law, there is already a process in law to provide for the recall of municipal officials, including school board members. Title 30-A, §2505. Recall of municipal officials, establishes parameters and guardrails for the recall of officials. However, this section of 30-A also clearly relies on local control and home rule. The first sentence of this section reads: "Except as otherwise provided by the municipality's ordinances or charter, an elected official of a municipality may be recalled from office pursuant to this section." The statute specifically relies on and defers to the local ordinance or charter to guide any recall decisions.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
7 Hatch Drive, Suite 220, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | www.mainea.org



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We are deeply concerned about LD 1102 and LD 1181 because both bills seek to create or further refine a recall process for school board members and allow a community to recall someone for no reason. Taken to the extreme, this could result in a never-ending set of elections in communities as residents decide to recall a school board member or at least initiate a recall petition every time they vote. The time for choosing is on Election Day and we would hope this Committee will refrain from allowing school board members or other municipal officials to be recalled for any reason or no reason. This could result in never-ending threats, constant elections, and will only serve to discourage good people from serving on local boards and destabilize local government. What's more, under these two bills, could a school board member be recalled because they are black? How about gay? A woman? Most definitely so.

LD 1443 is an attempt to create a better process to recall school board members given the recent history in RSU 21. We completely understand and sympathize with the concerns raised but the language in the legislation is far too subjective as currently written. We would hope if the Committee were interested in developing clearer guidelines for the recall of local elected officials, they will consider tightening the language of this bill so the criteria for a potential recall are objective. For example, LD 1443 in section one of the bill allows for a school board member to be eligible for a recall if s/he "has behaved in a manner that relates to and adversely affects the administration of the school board member's office and the rights and interests of the public." Again, we understand the intent of this language, but the criteria remain far too broad for our comfort.

For example, in a district perhaps a school board member voted against banning certain books for the library. We would argue this is likely an act of courage to protect the availability of subjects and materials to students. Some would argue this behavior adversely affects the rights and interests of the public. The language of LD 1443 attempts to at least specify grounds for recall but still leaves too much to individual interpretation.

For these reasons we are opposed to LD 1102, 1181 and 1443. We do not need at this moment a new process for the recall of school board members. The time for choosing is Election Day, not when an individual doesn't get what they want at a school board meeting. In many communities, we struggle to find individuals to run for school board. These bills will likely only add to that problem.

Thank you for your time and your attention to the people of Maine. I will do my best to answer any questions you may have.