

TESTIMONY IN OPPOSITION TO

L.D. 1271

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AN ACT TO MAKE PERMANENT THE LAW ALLOWING SCHOOL BOARDS TO ACCEPT THE VOLUNTEER SERVICES OF IMMEDIATE FAMILY MEMBERS OF SUPERINTENDENTS OR SCHOOL BOARD MEMBERS

April 8, 2025

Senator Rafferty, Representative Noonan Murphy, and members of the Education and Cultural Affairs Committee, I am Steven Bailey, Executive Director of the Maine School Boards Association, testifying on behalf of the MSBA Legislative Committee in opposition to L.D. 1271, *An Act to Make Permanent the Law Allowing School Boards to Accept the Volunteer Services of Immediate Family Members of Superintendents or School Board Members*.

In 2024, the prohibition allowing volunteer placement of a member of a school board member or member's spouse was reinstated with the sun-setting of the three-year law that had allowed it as a trial. At the time L.D. 1323 had been introduced in 2021 the legislative committee of the Maine School Boards Association opposed it. For very similar reasons, this committee continues to oppose this practice again. Here is the current statute:

2-A. Volunteer placement by school administrative unit, school union, academy. *A member of a school board or member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, cocurricular or extracurricular program or activity and reports directly to the superintendent, principal, athletic director or other school administrator in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee. Volunteer activities of a member of a school board or member's spouse, other than in roles that are prohibited by this subsection, may be prescribed by policies developed and approved by the school board of the school administrative unit.*

The circumstances for opposition are specific within the statute...“may not serve as a volunteer when that volunteer has primary responsibility for a curricular, cocurricular or extracurricular program or activity and reports directly to the superintendent, principal, athletic director or other school administrator...”

This prohibition would prevent direct supervision expectations which are circumstances precisely excluded within local district Nepotism policies. The MSMA sample policy on Nepotism, BCC, states “No person shall be employed in or assigned to a position that is within the administrative supervision of a member of their immediate family, nor in a position in which they are supervised or evaluated, in whole or in part, by a member of their immediate family.”

The prohibition is established to protect superintendents and other direct supervisors from the perception of favoritism, to prevent extremely awkward supervisory situations when a family member might need to be disciplined (or wasn't when public perception is that they should be), or be caught in a very unpopular public relations situation when a relative is being pressured to resign, be fired, or at best, not continue in the position they are working. The prohibition is a smart exclusion, intended to keep controversial personnel situations dealing with the superintendent and other direct supervisors out of the papers and able to do their jobs without public scrutiny based on concerns with favoritism or conflicts of interest.

The prohibition does allow for other volunteer opportunities for school board members and spouses of school board members: "*Volunteer activities of a member of a school board or member's spouse, other than in roles that are prohibited by this subsection, may be prescribed by policies developed and approved by the school board of the school administrative unit.*"

It is important for the school community to see these individuals helping with school tasks, with and for students, inside our schools and within other school learning experiences. Volunteer positions provide for these opportunities -- just not ones that have the school board member or spouse of a school board member in a position of primary responsibility for the activity while volunteering. These volunteers can share their talents or interests with children, creating valuable connections and helping students grow.

While the prior sentiment was to allow L.D. 1323 to be approved, school board members continue to think this is a bad idea. While L.D. 1271 would make this a permissible opportunity, the MSBA legislative committee is not in agreement with this premise. The prior prohibition should not have been lifted in 2021, and it definitely should not be revised again at this time. We encourage your committee to vote "ought-not-to-pass" on L.D. 1271.