



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1323

H.P. 975

House of Representatives, March 30, 2021

An Act To Maximize Service to Students by Adopting Conditional Allowances for Participation by Families of School Board Members in School Activities

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BABBIDGE of Kennebunk.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: BERRY of Bowdoinham, MILLETT of Cape Elizabeth, ROCHE of Wells,
Senator: RAFFERTY of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §1002, sub-§1, ¶A**, as enacted by PL 1999, c. 128, §1, is
3 amended to read:

4 A. "Employee" means a person who receives ongoing monetary payment or benefits,
5 ~~no matter the amount paid or hours worked,~~ for personal services performed for a
6 school administrative unit.

7 **Sec. 2. 20-A MRSA §1002, sub-§1, ¶A-1** is enacted to read:

8 A-1. "Stipend employee" means a person who receives limited monetary payment or
9 benefits, through a series of payments or in a lump sum, for personal services
10 performed in an advisory, mentoring or coaching capacity for a school administrative
11 unit.

12 **Sec. 3. 20-A MRSA §1002, sub-§2**, as amended by PL 1999, c. 128, §2, is further
13 amended to read:

14 **2. Employment by school administrative unit, school union, academy.** A member
15 of a school board or spouse of a member may not be an employee in a public school within
16 the jurisdiction of the school board to which the member is elected or in a contract high
17 school or academy located within a supervisory union in which the member is a
18 representative on the union committee. The spouse of a member of a school board may
19 serve as a stipend employee on a contractual basis when that action is in the best interest
20 of students and a summation of potential conflicts of interest is documented and a priori
21 mitigations are described in the signed contract. Notwithstanding any provision of law to
22 the contrary, a school administrative unit must have a written policy on nepotism that
23 includes hiring practices for school-sanctioned stipend positions, which must provide all
24 qualified applicants with fair and equal opportunity to be selected on merit, with priority
25 consideration being the best interest of students, and that does not include unnecessary
26 restrictions based solely on family association.

27 **Sec. 4. 20-A MRSA §1002, sub-§2-A**, as enacted by PL 1999, c. 128, §3, is
28 amended to read:

29 **2-A. Volunteer placement by school administrative unit, school union, academy.**
30 A member of a school board ~~or member's spouse~~ may not serve as a volunteer when that
31 volunteer has primary responsibility for a curricular, cocurricular or extracurricular
32 program or activity and reports directly to the superintendent, principal, athletic director or
33 other school administrator in a public school within the jurisdiction of the school board to
34 which the member is elected or in a contract high school or academy located within a
35 supervisory union in which the member is a representative on the school committee.
36 Volunteer activities of a member of a school board ~~or member's spouse~~, other than in roles
37 that are prohibited by this subsection, may be prescribed by policies developed and
38 approved by the school board of the school administrative unit. The school administrative
39 unit's written policy on nepotism under subsection 2 must discourage favoritism and
40 political patronage, consider the needs of the school system and permit voluntary
41 placements, with all qualified applicants having fair and equal opportunity to be selected
42 on merit and with priority consideration given to the best interest of students, and may not
43 include unnecessary restrictions based solely on family association.

SUMMARY

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Current law prohibits school board members and their spouses from participation in a school activity, whether as a volunteer or for payment. This bill limits that prohibition to board members only and requires for paid positions that a summation of potential conflicts of interest be documented and a priori mitigations be described in the signed contract. It also requires for both paid and volunteer positions a written policy on nepotism that discourages favoritism and provides that all qualified applicants have fair and equal opportunity to be selected on merit and with priority consideration given to the best interest of students. The written policy on nepotism may not include unnecessary restrictions based solely on family association.