

TESTIMONY IN SUPPORT OF

L.D. 1939

AN ACT TO PROTECT SCHOOL ADMINISTRATION OFFICIALS FROM HARASSMENT AND ABUSE

Senator Deschambault, Representative Warren, and members of the Committee on Criminal Justice and Public Safety, I am Steven Bailey, executive director of Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and Maine School Superintendents Association in strong support of L.D. 1939.

Elected school boards and the superintendents they employ to run our schools understand they are in the public eye and anticipate the decisions they make can be controversial. That has been an understatement during the Covid pandemic when to keep students safe, the people we represent had to close schools, limit the length of school days and put restrictions on class sizes and gatherings.

What we did not expect, on top of dealing with Covid, was a backlash based on misleading accusations about what we were teaching in schools around race relations, as part of our history as a country. Teaching that history is not only essential to a well-rounded curriculum that gives students perspective, it also is law. 20-A, §4706 requires instruction in American history, African American studies, Maine Native American history and the history of genocide.

A few examples will demonstrate the severity of that backlash, which was fueled, in part, by the national organization, “No Left Turn in Education”, using the outdated term “Critical Race Theory”, which has become incendiary. Individual teachers and administrators have been singled out for criticism.

In 2021, there was a petition to recall school board members in MSAD 51, serving North Yarmouth and Cumberland, over the hybrid learning plan adopted due to the pandemic. In Hampden there was an effort to make what was taught in history class about slavery an issue in the School Board election. In Gardiner, the School Board came under attack for its suggested reading list for a college-level elective course.

We’ve also attached to this testimony a story from the Ellsworth American, dated Jan. 14, 2022, where a member of the public at a board meeting threatened a lawsuit and “potential harassment” of the board over the district’s masking policy.

In that story, the resident was quoted as saying during public comment: “You guys have 90 days to comply, or else we start getting dirty. We’re not the type to commit bodily harm, but we can make damn sure that you can’t walk anywhere in Ellsworth without ridicule.”

School Boards and superintendents can handle discussion and lively debates around controversial topics. What we can’t abide are actions that seek to intimidate or threaten school officials. We have heard of confrontations in grocery stores, board members being followed out to their car, and, in one publicized case of

harassment in Cumberland, a life-size poster of a school board member surrounded by rat traps and illuminated at night was put up across from the Greely Middle School.

This bill expands the definition of public servants to include superintendents, board members and we assume other school leaders like principals, so there will be consequences if harassment occurs.

Finally, we have included the definition of harassment in statute, Title 17-A, with escalating consequences for repeat infractions. The law reads in part:

§506-A. Harassment

1. A person is guilty of harassment if, without reasonable cause:

A. The person engages in any course of conduct with the intent to harass, torment or threaten another person:

(1) After having been notified, in writing or otherwise, not to engage in such conduct by:

(a) Any sheriff, deputy sheriff, constable, police officer or justice of the peace. The notification not to engage in such conduct expires one year from the date of issuance; or

(b) A court in a protective order issued under [Title 5, section 4654](#) or 4655 or [Title 19-A, section 4006](#) or 4007.

We believe this bill will give us additional avenues to try and protect school leaders by making it clear that harassment is against the law.

City School Board threatened with lawsuits over masking policies

January 14, 2022 by [Anne Berleant](#) on [Education News](#)
Ellsworth American

ELLSWORTH — A half-dozen community members used strong terms and, in one case, threatened a lawsuit and potential harassment, to inform the city School Board Jan. 13 that they feel masks harm students and provide no benefit against COVID-19 transmission. The comments [continued a debate](#) that has dogged board members since well before the school year began.

Resident Paul Trego notified the board of demands from what he referred to as the Ellsworth Taxpayers Coalition or lawsuits would be filed.

“You guys will know what that [coalition] is soon enough,” Trego said. “You guys have 90 days to comply. Or else we start getting dirty.”

His demand is for “tested, peer-reviewed proof that masks work on children” and proof “that you are not mentally damaging these children with what you are doing.”

In outlining one piece of the coalition’s plan of action, Trego said, “We’re not the type to commit bodily harm, but we can make damn sure that you can’t walk anywhere in Ellsworth without ridicule.”

“You have awakened a sleeping giant,” he continued. “Every one of you is in trouble.”

Chairwoman Kelly McKenny, Vice Chairwoman Abigail Miller and board member Beth Alteri filed temporary orders of protection against Trego Jan. 14 that were granted by the court. The orders prohibit direct or indirect contact, threats, harassment, assaults, damage to property and being at or in the vicinity of the plaintiff’s home, school, business or place of employment.

In seeking the orders of protection, Alteri stated she was in immediate and present danger from the defendant’s conduct “because of his words and the manner in which he delivered them has left me feeling a constant need to look over my shoulder and be constantly talking to my employer for fear of false accusations. I also am afraid to leave my home.”

McKenney told The American, “I don’t know that I feel more safe [with the order], but I hope it deters him from continuing his threatening behavior and keeps him away from me and my family. Everyone has a right to their opinion, and we’re happy to listen. We do not, however, deserve to be threatened. We put in so much time and are just doing the best we can for kids.”

A hearing on the complaints is scheduled for Mar. 23 in Ellsworth District Court.

Public comments at the meeting brought a small group of determined parents and citizens who have spoken at meeting after School Board meeting challenging the board's decision for universal mask wearing for students. And personal attacks on the board or specific board members have also become a more usual part of citizen comments.

"You're all hypocrites," Daisy Wight told the board, accusing members of being seen unmasked in public and at social gatherings yet wearing them to board meetings.

"Social anxiety, depression, suicide. Are those not items that we should not be thinking about, talking about?" she asked. "When is it going to end? Is it going to end?"

Gwen Clark, a regular speaker during the public comment portion of the meetings, made a verbal Freedom of Access Act request for "all information concerning what, how much and who to for services purchased with ESSR (Elementary and Secondary School Emergency Relief) funds."

The school district has received [\\$3.1 million in federal ESSR funds](#) as part of federal relief funding for schools during the COVID-19 pandemic. Clark implied the school department was enforcing masking to obtain funds.

"We absolutely do not receive additional funds for requiring universal masking," McKenney told The American. "Nothing that we do is tied to money, and nothing in ESSR funds are tied to masks."

Rather, she said, universal masking allows students to remain in school despite being a close contact, per Maine Department of Education rules. Without universal masking, McKenney said city schools would have "had to go remote a long time ago" because of the number of quarantined students.

"Most parents cannot afford to stay home from work for a week every time their child is identified as a close contact," she added.

Still, parent Casey Hardwick noted that, statewide, 20 school-age children have been hospitalized for COVID-19 since July 2021.

According to the Maine Center for Disease Control and Prevention's "COVID-19 and Youth in Maine" report, between March 12, 2020, and Dec. 27, 2021, there were 89 hospitalizations of individuals under the age of 25. Of those, 37 percent – 33 cases – were between the ages of 5 and 19. There were 30,048 confirmed and probable cases among that age group.

Fourth-grade student Justin [last name not given] also spoke, reading from a prepared statement.

“For over two years you guys have made me wear a mask, even though they don’t work. I can’t see my friends’ smiles. I can’t see my teachers’ smiles. Why do I have to wear a mask, but you guys don’t? That doesn’t seem fair.”

The American Academy of Pediatrics on its website “strongly recommends that anyone over the age of 2, regardless of vaccination status, wear a well-fitting face mask when in public.”

And states, “Face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception.”

While school boards may adopt optional masking per state policy, members here voted for universal masking, in part because the Maine Department of Education permits close contacts of COVID-positive students to stay in school if universal masking is in place. Community transmission rates also have remained high throughout the school year.

A parent and teacher survey held prior to the school year — and prior to the Delta variant surge — found about 55 percent of the 919 respondents wanted no masks, and 46 percent wanted some form of required masking.

In other business, the search for a new superintendent is starting following Dan Higgins’ resignation one month ago. Katrina Kane has been serving as interim superintendent in the wake of Higgins’ departure.

“There’s no possible way that I can begin to fill the shoes of what a full-time superintendent was doing,” she said. “I’m pleased to be able to help.”

Kane also serves as superintendent for Hancock and Lamoine schools. And because of a conflict in board meeting times for Kane, the Ellsworth board moved its meetings from the second Tuesday to the second Thursday of each month.