

7 Lions Lane  
Camden, Maine 04843

**(207) 236-3358**  
**FAX (207) 236-7810**



**Maria Libby**  
Superintendent  
**Gary Gonyar**  
Assistant Superintendent

MSAD 28  
Superintendent Board Report  
April 12, 2017

**1. Board Goals Update**

a. Goal #2: Middle School Project

The Building Design Committee continues to meet twice each month. An additional public forum held on March 16 was moderately attended but provided valuable input. The PR committee has developed and begun executing a comprehensive communication plan including a new website, flyers, and events. The vote is two months away. The CRMS project is also featured in the Annual Report.

b. Goal #3 Curriculum/Instruction/Assessment

When scores from last spring's state assessment were released this winter, CRES's results were fairly strong in both Math and Reading. Nonetheless, work has been underway all year to analyze math and reading curriculum and instruction. CRES will join the Maine Literacy Partnership next year in an effort to strengthen our reading program. We are increasing to a full time Literacy Coach as part of this initiative. Instructional time is also being analyzed in both reading and math with a commitment to make changes in any areas that may be shortchanged.

Student centered instruction has remained a focus of administration in their formal and informal feedback to teachers. SAD 28 teachers have all been provided opportunities to visit colleague's classrooms to learn from others. The Administrative Team is currently working on a district definition of student centered learning to help teachers better understand this vision.

c. Goal #4 Achievement:

District Report Card: I have developed a survey to get feedback from stakeholders on the measures that should be included as part of our District Report Card. The survey will be sent out after the April break.

**2. Vote Yes! Board Advocacy on Public Issues**

I have been researching the extent to which Boards may advocate for a "yes" vote in a public referendum (i.e. budget passage, construction bond). Under the rights of "government speech" school officials have the right "to express their views on issues

of public interest and to use public resources to do so." Maine's school statutes provide: "Notwithstanding any other law, money allocated for school purposes may be expended only for school purposes." Based on this provision, public funds can be used if the government speech is "for school purposes." Advocating in support of a budget or for a new school building would fall under "school purposes." For details see the two articles attached.

### **3. Later Start Initiative**

The Five Town CSD voted on April 5 to implement a later school start time. MSAD 40 board voted to keep its current high school start time (7:30 a.m.) and the RSU 13 board will discuss the issue further in early May, but is unlikely to make a decision in time for next fall. Therefore, the option presented to the CSD Board was to change start times by approximately 30 minutes.

For the SAD, that means that CRMS will also move its start time to 8:00 and CRES will start at 8:45. The attached document outlines details of the start and end of school times for 2017-18.

Although this is not the full hour of additional sleep we had aimed to provide our adolescents, it does give them an additional 30 minutes. Research has shown that is a significant boost for them. In order to facilitate the shift in start times, we also plan to re-introduce bus stops for our middle school (and high school) run. The link below is a segment that aired on Maine Public Broadcasting on later start times:

<http://mainepublic.org/post/later-school-start-time#stream/0>

### **4. Professional Development**

#### Bowdoin College – Dr. Chris Emdin

I attended a truly inspiring lecture at Bowdoin College on Thursday evening by Dr. Chris Emdin: "What it Takes To Be a Scientist: Employing Reality Pedagogy To Transform Schools and Society." He explored participation and engagement in STEM fields and the ways that the education culture tracks students out of success in these disciplines. He uncovered reasons for youth disinterest in school and the STEM disciplines and how we can look for new educational approaches that foster participation and engagement in STEM without sacrificing rigor and content. Here is one of his Ted Talks:

<https://www.youtube.com/watch?v=H3ddtbeduoo>

#### Point Lookout - Jennifer Abrams

Using some of the funds we generated last summer in bringing Robyn Jackson (teacher feedback expert) to our district, we brought Jennifer Abrams to town on behalf of the Mid Coast Superintendent's group. Jennifer is a widely recognized national speaker who addressed a group of 80 local educators, mostly

administrators, about how to have hard conversations. Our district had approximately 20 participants, including 8 teacher leaders. We now have a cadre of people who are armed with the knowledge and skills to engage others in necessary but sometimes difficult conversations. This is an important step forward as we work to shift our culture toward one of more honesty, professionalism, and performance.

**5. Annual Report**

We are once again creating a printed version of the Annual Report that will be mailed to all Camden-Rockport households. Last year's report generated positive feedback from both the school community and the greater public. It is an effective tool to communicate about what is happening in our schools and to inform the voters on the budget. This year nearly all of the photos in the report were taken by CRMS 8<sup>th</sup> graders.

**6. Keynote Speaker**

I was the keynote speaker for the CRMS Grade 6, Camden Conference on Change that was held on April 5. Their spring theme is, "What's worth fighting for?" They chose me as the keynote speaker because my job so frequently involves affecting change on behalf of something well worth fighting for – students!

Respectfully Submitted,  
Maria Libby

Later Start Time Details, SY 2017-18

8:00 HS/MS Final Arrival/School Start

8:45 ES Final Arrival/School Start

	CHRHS	CRMS	CRES
Teacher Arrival	7:55	7:55	8:15
Student First Arrival	7:45	7:45	8:40
Last Bus Arrival/SchoolStart	8:00	8:00	8:45
Instructional Start	8:10	8:10	8:55
Instructional End	2:45	2:45	3:30
First Bus Depart	2:50	2:50	3:35
Teacher Depart	3:25	3:25	3:45
Instructional Day	6 hrs 35 min	6 hrs 35 min	6 hrs 35 min
Minutes teachers available but not formally scheduled w/students	55	45	35
Total Time Teachers at School	7.5 hrs	7.5 hrs	7.5

AM Homeroom

PM Homeroom

These times are a baseline for how the timing could work, based primarily on past practice, current changes, student need, and teacher consideration. They are not set in stone and can change with a collaborative process between teachers and administrators.

Maria Libby

April 2, 2017

## What Bear Baiting Can Teach School Officials about Using Public Funds for Advocacy



### Agnieszka Pinette

Aga Pinette focuses her practice on school borrowing and budgets, bond issuance, and school reorganization matters.

Last November, Maine voters were asked to decide whether to ban the use of bait, dogs, or traps in bear hunting. Although the citizen-initiated referendum on the November 2014 ballot was ultimately defeated, the campaign leading up to the vote on Question 1 generated substantial controversy stemming from a state agency's use of public funds to oppose the initiative. This article will consider the complex legal landscape raised by the Question 1 controversy through the lens of the school board or superintendent who must regularly secure voter support for school budgets, school financing projects, and other initiatives.

### Background

In the months leading up to the November 2014 election, the Maine Department of Inland Fisheries and Wildlife ("IFW") used public resources, funds, and personnel to actively campaign against Question 1. Among other activities, the agency published materials asserting that "IFW Biologists and Game Wardens are opposed to the 2014 Bear Referendum," held press conferences, and disseminated television ads and YouTube videos featuring agency employees in uniform opposing Question 1.

IFW readily acknowledged that these actions were designed to publicly promote bear baiting, hounding, and trapping as legitimate methods of hunting and as necessary forms of bear management. As a result, Mainers for Fair Bear Hunting (MFBH), the proponent committee for Question 1, sued to enjoin the agency from officially opposing the referendum initiative.<sup>1</sup> In its lawsuit, MFBH argued that IFW's use of public funds to attempt to defeat Question 1 was a form of illegal campaign activity.

The Superior Court ("Court") disagreed. The Court declined to enjoin IFW from spending public funds to oppose the initiative, concluding that the agency was expressly authorized to do so by a "constellation of statutes." Moreover, the Court determined that IFW's broad mandate "to encourage the wise use of [wildlife] resources"<sup>2</sup> compelled IFW to advocate for its position regarding bear management. The Court also concluded that IFW's advocacy fell within the protective bounds of the government speech doctrine, which safeguards agency expenditures "on speech-related activities when the 'speech is germane to a legitimate government interest.'"<sup>3</sup>

It may be tempting for public officials to assume that the Court's decision naturally extends to other governmental entities and other acts of advocacy. But, for the reasons explained next, school officials should avoid taking that bait.

### State Law Considerations

The Court based its decision on a close comparison of the text of IFW's enabling statutes against IFW's specific acts of advocacy. Ultimately, the Court determined that IFW acted lawfully because it possessed "express legislative authorization" to engage in the challenged activities. By comparison, Maine's school statutes provide that, "[n]otwithstanding any other law, money allocated for school purposes may be expended only for school purposes."<sup>4</sup> To date, however, no Maine court has evaluated this provision or any of the school statutes in light of any acts of advocacy by school officials. Consequently, it is not entirely clear what type of advocacy a court would consider to be legislatively authorized "for school purposes."

Even so, the Question 1 decision ought not be read to *prohibit* a school official from using public funds for advocacy purposes. Rather, the case provides a reasoned basis to assert that school officials who use public funds to endorse or garner support for a lawful school board action, such as a school budget initiative or a school construction project, are likewise acting lawfully. School boards and superintendents should therefore carefully evaluate, among other considerations, whether the advocacy in which they wish to engage is clearly and directly tied to a lawful school board action.

## Constitutional Considerations

Public spending on advocacy also raises complex First Amendment considerations, including whether such actions infringe on individual free speech rights. Indeed, even when public officials have express authorization to expend public funds for advocacy purposes, these activities are subject to constitutional limits.

Those limits usually arise when a government entity establishes a public forum – a venue or platform for public expression – and then impermissibly excludes viewpoints from that forum.<sup>5</sup> A government entity can avoid this constitutionally thorny territory by creating and operating its own channels of communication, by expressing its viewpoints through those channels, and by not allowing those channels to be used by any other speakers. In other words, when a school board maintains control over both the lectern and the speech, the board avails itself of the government speech doctrine, which allows it “to say what it wishes, and to select the views that it wants to express.”<sup>6</sup>

## What Should School Officials Do?

Notwithstanding the Question 1 case, whether and to what extent advocacy may be funded by the public coffers remains largely uncharted legal territory in Maine. Nonetheless, there are a variety of activities that school boards and superintendents may engage in without creating substantial legal risk.

First, school officials may use public resources, including personnel time, to disseminate relevant, factual information on matters such as school budgets and school-related referenda. For example, a superintendent may host a public meeting to answer questions about an issue on which the school board has taken action, and may use school district’s website to inform the electorate about a school board initiative, as well as the effects on the electorate should the initiative pass or fail.

Second, school officials may express their views on matters in their capacity as public officials, and may in some instances exclude contrary viewpoints. Accordingly, a school board may explain the reasons for its support of an initiative.

Finally, it is likely – though not entirely without doubt – that school officials may use public funds to campaign on issues that have a direct nexus to a lawful school board action.

## Conclusion

Although the recent trend in the law seems increasingly tolerant of the use of public funds by government officials for advocacy purposes, the use of taxpayer funds for direct advocacy on local referendum questions may not be well received by voters and taxpayers on the opposite side. Before taking the proverbial bait and engaging in any form of advocacy, school officials should pause to weigh the benefits of advocacy against not only its legal implications but also its political risks.

## Endnotes

1. See *Mainers for Fair Bear Hunting, et al. v. Me. Dep’t of Inland Fisheries and Wildlife*, CUMSC-CV-14-414 (Me. Super. Ct., Cum. Cnty., Oct. 22, 2014).
2. 30 M.R.S. § 10051.
3. Quoting *Adams v. Me. Mun. Ass’n*, 2013 WL 9246553, at \*19 (D. Me. 2013).
4. 20-A M.R.S. § 15689-B(5) (school purpose expense requirement).
5. See, e.g., *Sutcliffe v. Epping*, 584 F.3d 314 (1<sup>st</sup> Cir. 2009).
6. *Pleasant Grove City Utah v. Summum*, 555 U.S. 460, 467 (2009); see also *Sutcliffe*, 584 F.3d at 334-35 (holding that a town’s actions in setting up and controlling a website and refusing to add a hyperlink to a private groups website constituted permissible government speech).

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