



# HOUSE OF REPRESENTATIVES

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May 11, 2023

Testimony

In Support of

### *LD 1129 An Act to to Enact the Curriculum Transparency Act*

Senator Rafferty, Representative Brennan and esteemed colleagues on the Education and Cultural Affairs Committee. I am Heidi Sampson, representing the good people of HD 136, Alfred, parts of Lyman and Waterboro. I present you with **LD 1129 An Act to Enact the Curriculum Transparency Act**.

Transparency for tax payers seems to be an increasingly illusive concept in government these days and is specifically addressed in this bill pertaining to public education. Taxpayers, parents and concerned citizens have been met with increasing resistance and even hostility from school board members, administrators and even teachers in some cases when they request information, resources and materials which has been put in front of their children. The DOE has frequently been non-responsive to requests from parents. I will add that even lobbyists/activists are coming against citizens who express their concerns in school board meetings. Need I remind everyone, **the people being insulted are the people paying the bills**.

Parents have every right to request any information presented to their children. This bill demonstrates that children's right are in fact their parent's rights until they are 18 years old. As a result, parents are perplexed by the apparent problem with transparency. What does the lack of transparency demonstrate to us? It demonstrates total disrespect for parents and it begs the question, "What does the school have to hide?"

Parents don't deserve to be insulted and disrespected by accusing them of being hateful. They have every right to persist in requesting materials and information. They also have the right to challenge policies they deem harmful and or to request and expect an open and honest dialog, not rhetoric.

Events reached a fevered pitch during the pandemic when large numbers of parents, grandparents and other concerned taxpayers beseeched school board members to lift the masking mandate on children. I will not discuss the merits of their arguments. However, I do want to discuss the blatant resistance to transparency. These actions by districts opened the eyes of many and it only escalated their disgust at all those who resisted them and their petitions before the school boards.

Allow me to illuminate a deliberate effort to obfuscate the truth by deliberately deceiving parents and grandparents. This is a bold accusation, I know, but I have receipts. You have all heard me allude to the smoke and mirror game played on the public. Now you will hear the details. This issue was at the tip of everything we now see unfolding. It's all due to lack of transparency and respect for parents' rights.

Maine's Department of Education (MDOE) received \$411 million of ARP ESSER III funds. This grant has multiple phases and layers. The focus of the following information only addresses the initial Return to School Plan beginning in the fall of 2021. These funds have more phases as districts review and revise the plans every 6 months. The grant is viable through Sept, 2023. A key component throughout the grant however, is the requirement for "**meaningful consultation**" with the public. However, open discourse was completely absent. This only elevated parents' frustrations with schools around the state.

Districts throughout the state, as well as the MDOE demonstrated a total disregard for transparency and accountability of these funds. We should all be deeply concerned with what has since unfolded. If the deliberate misrepresentation and possible fraudulent misappropriation of Federal funds is any reflection of the MDOE's dealings, everyone should be alarmed.

The ARP ESSER III Grant is different from the other "Covid-19 relief" grants as previous grants were controlled and overseen by the Department of the Treasury. The ARP ESSER III Grant is controlled and overseen by the Department of Education.

The Federal interim final ruling uses the term "**meaningful consultation**" **31 times**. (In other words, **IT REQUIRES TRANSPARENCY**). Additionally, as part of the local application for funding, **school districts had to provide the opportunity for "meaningful consultation" with stakeholders before introducing the actual application**. Most school boards across the state were never provided the actual application to verify that the superintendents certified and attested to mandatory masking, for example. School Boards were only provided with information on how they were going to spend the money and how they were planning to return children to classrooms. In other words, **meaningful consultation did not occur**.

The state went on to create the application for ARP ESSER III funds. It required superintendents to certify and attest to the requirements in Appendix C of the state application which included nine points ranging from universal and the correct wearing of masks, effort to provide vaccinations to school communities and other alarming educational conditions.

Parents were repeatedly informed that the universal masking requirement came from the CDC and the school's hands were tied. This was a deliberate, bold-faced lie. Frustrations mounted. The desire to challenge these policies, to uncover the truth and repeal the mandates gained momentum.

Parents in Maine began submitting very specifically crafted Freedom of Access Requests throughout the state. **Every district was required through the Federal Interim Final Rulings to publicly disclose all information including public interactions, to be easily accessible on their district's home website**. They discovered schools that did not have the requested information.

The results began to pour in. Please, don't lose sight of this important fact: **all schools were required to post all the information being requested by parents, but had not done so, even though superintendents signed a contract agreeing to the full disclosure of everything**. Yet, districts charged parents \$125 - \$1,650 for FOIA request for the exact same information that they had been instructed to be publicly posted. This is utterly disgraceful treatment of taxpayers.

Furthermore, the DOE knows which schools were and were not in compliance with the federal funds in their possession. Interestingly, a spreadsheet deeply buried within the MDOE's website was discovered. It lists every district with their report-back links, which

were supposed to demonstrate each districts website postings on their opening page. The MDOE had flagged problem districts with comments. This was posted Dec. 6, 2021. Then **one day later**, they posted a second document labeled “US Ed Use of Funds”, which was the identical spreadsheet but without the highlights and comments identifying the districts who were not in compliance for receiving funds. This second document went out to the US DOE with the same dead links, pdfs, or irrelevant links the MDOE received yet having removed all the problematic statements. Despite knowing many districts were not in compliance, the MDOE submitted the spreadsheet and data to the US DOE making it appear as though all districts were in compliance. Would the US DOE go through the document with a fine-tooth comb to verify everything? ....apparently not.

Commissioner Makin signed and certified<sup>1</sup> the plan. Additionally, US DOE Secretary Miguel A. Cardona, Ed.D sent the approval letter reinforcing the grant stipulations. Despite all these grant conditions, Commissioner Makin submitted the identical spreadsheet, without identifying the problems, to the US DOE. This is a blatant misrepresentation of the facts at best. There has been absolutely no accountability for \$411,000,000 received. This example is only one of several grant applications the MDOE has authority over.

**For some reason Superintendents appeared to have been coached to keep the details of the application stipulations from their school boards, community members and stakeholders. Why? Did the state believe forcing “requirements” such as masking, vaccinations, social distancing, segregation and quarantines against our children a valid approach to receive grant money?** In all reality, the “requirements” the MDOE and others adamantly stressed were nothing more than “recommendations”.

I share this scenerio to illustrate the fact that transparency between government and the public is seriously lacking from the top to the ranks below. Making matters worse, were the blatant insults and accusations put forth by members of the associations supporting superintendents and school boards. They knew the truth yet chose to attack parents. This demonstration of utter contempt for taxpayers coming from the organization overseeing the school governance is an embarrassment and an apology is in order.

Sunshine is the best disinfectant. Let’s start to shine a light. If schools have nothing to hide, we can help set policies to guide them regarding the issue of transparency. If schools were to demonstrate genuine transparency and clear communications, we would see less strife and angst occurring at the local district level. This would only benefit our children.

This bill is a clear path forward.

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<sup>1</sup> The State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund. pg 3.