

Testimony Against Legislation Requiring Schools to Use Birth Certificate Names and Gender Without Parental Permission

Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee

Thank you for the opportunity to testify today regarding proposed bill LD1002, which would require schools to refer to students exclusively by the name and gender on their birth certificate unless a parent provides written permission otherwise.

My name is Dr. Hien Nguyen, and I am an Economic Professor and the Cody van Heerden Chair in Economics & Quantitative Social Sciences at College of the Atlantic, Bar Harbor, Maine. I am writing today to respectfully urge you to **reject** this legislation, which would create significant harm to transgender and gender-diverse students in Maine schools.

Existing Socioeconomic Challenges Facing Transgender Mainers

To understand the full impact of this legislation, we must first acknowledge the existing socioeconomic challenges facing transgender individuals in Maine:

- **Economic Instability:** National studies show transgender Americans are twice as likely to live in poverty and three times more likely to be unemployed compared to the general population. In Maine, with its rural economy and limited employment options in many communities, these disparities are often magnified.
- **Housing Insecurity:** One in five transgender individuals reports experiencing homelessness at some point in their lives due to discrimination and family rejection. In Maine's tight housing market and rural communities with limited shelter options, this creates particularly dangerous situations.
- **Healthcare Barriers:** Transgender Mainers face significant barriers to healthcare, with 33% reporting having postponed or avoided necessary medical care due to discrimination. In rural Maine communities where healthcare options are already limited, these barriers can be insurmountable.
- **Educational Disadvantages:** Discrimination in educational settings leads to higher dropout rates, decreased academic achievement, and reduced career opportunities for transgender individuals, perpetuating cycles of economic disadvantage.
- **Legal Documentation Barriers:** Many transgender individuals face substantial financial and legal barriers to updating identity documents, including birth certificates. The cost of legal name changes in Maine (approximately \$135 plus

publication fees) is prohibitive for many low-income individuals, and the process is complex and time-consuming.

The Heightened Vulnerability of Transgender Youth

Transgender youth face particularly acute challenges that would be exacerbated by this legislation:

- **Family Rejection:** Fewer than 1 in 3 transgender and nonbinary youth found their home to be gender-affirming, and up to 50% of transgender youth have experienced rejection behaviors from their parents due to their gender identity. For these students, school may be the only place where their identity is respected and affirmed.
- **Mental Health Crisis:** Research consistently shows alarmingly high rates of depression, anxiety, and suicidality among transgender youth. The 2022 Trevor Project survey found that 45% of LGBTQ+ youth seriously considered suicide in the past year, with transgender and non-binary youth reporting even higher rates.
- **Homelessness and Housing Instability:** LGBTQ+ youth represent 40% of all youth experiencing homelessness, with family rejection being the primary cause. In Maine's rural communities, homeless youth have fewer resources and support services available.
- **School Victimization:** Transgender students report higher rates of harassment, bullying, and physical assault in schools. According to GLSEN's School Climate Survey, 83% of transgender students report feeling unsafe at school because of their gender expression.
- **Limited Access to Supportive Services:** Many transgender youth in Maine, particularly in rural areas, have limited access to supportive resources like LGBTQ+ youth groups, affirming mental health providers, and community organizations.

The Impact of Name and Pronoun Recognition

Using a student's chosen name and pronouns is not merely a matter of preference—it has profound implications for their wellbeing and academic success:

1. **Mental Health Benefits:** Research published in the Journal of Adolescent Health found that transgender youth who were able to use their chosen name and pronouns in multiple contexts experienced a 71% decrease in symptoms of severe depression and a 65% decrease in suicidal thoughts.
2. **Educational Outcomes:** Studies show that transgender students who are addressed by their chosen name and pronouns at school have better attendance,

higher GPAs, and greater educational engagement than those who are not affirmed in their identity.

3. **Reduced Victimization:** Schools that implement policies supporting transgender students, including respecting chosen names and pronouns, report lower rates of anti-LGBTQ+ bullying and harassment.
4. **Identity Development:** Adolescence is a critical period for identity development for all young people. Respecting a student's name and pronouns supports healthy identity development and self-esteem.
5. **Privacy and Safety:** Forcing disclosure of transgender status through mismatched names and pronouns can expose students to discrimination, harassment, and violence, particularly in communities where acceptance may be limited.

Problems with Mandatory Parental Permission

Requiring parental permission for name and pronoun use creates several significant problems:

- **Endangering Vulnerable Youth:** For the significant percentage of transgender youth who face family rejection, this legislation removes their only safe haven where their identity is respected.
- **Forced Outing:** The policy would effectively force students to either out themselves to potentially unsupportive parents or endure daily misgendering at school—a situation that research shows significantly increases mental health risks.
- **Inconsistency with Other School Practices:** Schools routinely respect students' preferences on many issues without requiring parental permission, from nicknames to extracurricular activity choices. Singling out transgender students for different treatment is discriminatory.
- **Administrative Burden:** This policy would create significant administrative challenges for schools, requiring them to track birth certificate information against current usage and monitor parental permissions.
- **Classroom Disruption:** Requiring teachers to use birth certificate names rather than the names students actually use creates confusion and disruption in the classroom environment.

Specific Impacts on Economically Disadvantaged Students

This legislation would disproportionately harm transgender students from economically disadvantaged backgrounds:

- **Legal Name Change Access:** While students from wealthier families may have the resources to legally change their name and birth certificate, economically disadvantaged students often lack these resources, creating a two-tiered system.
- **Parent Availability:** Working-class parents with multiple jobs or non-traditional work hours may have greater difficulty completing and submitting the required paperwork, inadvertently disadvantaging their children.
- **Housing Instability:** For students experiencing housing instability or homelessness, especially those who are unaccompanied, obtaining parental permission may be impossible.
- **Rural Isolation:** In Maine's rural communities, transgender students often have fewer supportive resources outside school, making school recognition of their identity even more crucial to their wellbeing.

Legal and Policy Considerations

This legislation raises several legal and policy concerns:

- **Potential Constitutional Issues:** Courts have increasingly recognized that policies targeting transgender students may violate equal protection guarantees and Title IX protections against sex discrimination.
- **Medical Privacy Concerns:** Requiring disclosure of information related to gender identity may violate student privacy rights.
- **Inconsistency with Best Practices:** This legislation contradicts guidance from the Maine Department of Education, the National Education Association, and major medical and mental health organizations.
- **Interference with Local Control:** The legislation undermines the ability of local school districts to implement policies that best serve their specific student populations.

Alternative Approaches

Rather than imposing restrictions that harm vulnerable students, Maine could consider:

- **Supporting Comprehensive School Policies:** Encourage schools to develop thoughtful policies that respect all students' identities while maintaining appropriate communication with families.
- **Expanding Educational Resources:** Provide resources to help schools create supportive environments for all students, including professional development for educators on supporting LGBTQ+ youth.

- **Strengthening Mental Health Services:** Invest in mental health resources for all Maine students, with particular attention to the needs of vulnerable populations.
- **Family Support Programs:** Develop programs that help families understand and support their transgender children, potentially reducing family rejection rates.

Conclusion

I urge the Committee to reject this harmful legislation that would force schools to use birth certificate names and genders unless parents provide written permission. Such a policy would cause demonstrable harm to transgender students, particularly those already facing socioeconomic challenges and family rejection.

The simple act of addressing a student by their chosen name and pronouns costs nothing, requires no special resources, and yet has been proven to significantly improve mental health outcomes and educational achievement. By contrast, refusing to recognize a student's identity causes documented harm.

Maine has long valued both individual dignity and educational excellence. This legislation undermines both values by creating unnecessary barriers for vulnerable students who are simply seeking to learn in an environment where they are respected and safe.

Thank you for your consideration.

Respectfully submitted,

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