

## TESTIMONY IN OPPOSITION TO

L.D. 868

### AN ACT TO ENSURE EQUITY AND SAFETY IN ATHLETICS, RESTROOMS, CHANGING ROOMS AND HOUSING AT ELEMENTARY, SECONDARY AND POSTSECONDARY SCHOOLS

May 8, 2025

Senator Carney, Representative Kuhn, and members of the Judiciary Committee, I am Eileen King, the Deputy Executive Director for Maine School Management Association, testifying on behalf of the legislative committees of the Maine School Boards Association and the Maine School Superintendents Association in opposition to L.D. 868, An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms, and Housing at Elementary, Secondary, and Postsecondary Schools.

As school leaders, we are deeply committed to providing safe, supportive, and well-supervised environments for all students. However, the provisions of L.D. 868, particularly those regarding access to restrooms, changing rooms, and other multi-occupancy spaces that do not align with the supervisor's sex could severely hinder our ability to uphold this commitment and compromise the safety and well-being of our students.

Teachers and coaches regularly enter restrooms and changing rooms of the opposite sex in order to provide essential supervision, ensure safety, and address student needs. This includes coaching co-ed teams where teachers must interact with athletes of the opposite sex, or intervening when suspicious noises or behavior are heard in restrooms that could indicate a safety concern. Under the provisions of L.D. 868, these vital actions could be prohibited, leaving students unsupervised and vulnerable.

As educators, it is our responsibility to ensure the safety and well-being of every student. In many situations, teachers and coaches find it necessary to enter facilities designated for the opposite sex to monitor student behavior and provide immediate assistance. For instance, it is not uncommon for teachers to check on students who have been away from a classroom too long, may need guidance or are in potentially unsafe situations. By restricting this type of oversight, L.D. 868 would inadvertently leave students without adequate supervision, especially in high-risk areas like restrooms and changing rooms.

Another concern with L.D. 868 is the potential legal consequences for educators and schools. If a teacher or staff member were to enter a restroom or changing room designated for the opposite sex to ensure student safety, they could face legal repercussions, even though their actions were motivated by concern for student well-being. The bill provides for private causes of action if violations occur, creating the potential for litigation and legal challenges against schools.

Schools are dynamic, fast-paced environments where educators must make split-second decisions to respond to student needs. The provisions of L.D. 868 would create significant barriers to making these decisions effectively. Teachers must be allowed to respond quickly and appropriately to any situation that may arise,

particularly in areas where students are most vulnerable. The bill's restrictions would inhibit this ability, making it more difficult for educators to ensure the safety of all students in real-time.

Schools need the flexibility to make decisions based on the unique circumstances they face daily, particularly when it comes to protecting students in restrooms, changing rooms, and other sensitive areas. For these reasons, we respectfully oppose L.D. 868 and urge the committee to reconsider its potential impact on our ability to maintain safe, supportive, and well-supervised educational environments.