



Joint Standing Committee on Judiciary

LD 678: An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate

May 15, 2023

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee my name is Gia Drew, and I am the Executive Director of EqualityMaine, which has been advocating on behalf of Maine's LGBTQ+ community since 1984 I am testifying today on behalf of EqualityMaine in opposition to LD 678, An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate

A school has an *in loco parentis* role when children are in its care, which includes the obligation to protect all students and provide them with a safe and equal learning environment Part of creating such an environment is addressing a student by the name and pronouns that are consistent with their gender identity Numerous studies show that this affirmation – and respect – is critical to the health and well-being of all students, particularly transgender and gender-diverse people When LGBTQ+ students view school staff as supportive, they feel safer, have better attendance, and show better school performance,¹ and statistics further show that suicide rates drop when correct names and pronouns are used

The student-school relationship is of course distinct from the student-family relationship, notwithstanding the custodial dynamic of the former during the school day As education professionals, it's to be expected that school staff retain authority over their educational methods and practices as subject matter experts Ultimately, schools aim to provide supportive and affirming environments for students *in coordination* with parents,

¹National Academies of Sciences, Engineering, and Medicine *Understanding the Well-Being of LGBTQI+ Populations* The National Academies Press, 2020

encouraging students to have open communication with their families when they are ready to do so Every student, however, is unique, as is every family, the student may not be out yet to their parents, or it may be too dangerous to even consider Fundamentally, students have a right to express themselves at school in a way that is different from how they express themselves at home, and teachers should not be tasked with sharing every detail about this behavior - particularly when there has been a request for some confidentiality and privacy² To deputize school staff in carrying out parental authority and demands under every circumstance is unjust, burdensome, and in some circumstances would force school staff to knowingly put a child in harm's way

Finally, among the reasons that a student may wish to use a different name include having a name that is commonly mistaken for another student's name, preferring a nickname, or having a name that is difficult to pronounce To require parental approval is unnecessarily bureaucratic at best and deeply hurtful and possibly fatal at worst We urge you to vote Ought Not To Pass on LD 678 and appreciate your consideration

Thank you,

Gia Drew (she/her)
Executive Director, EqualityMaine

² Evan Ettinghoff, *Outed At School Student Privacy Rights And Preventing Unwanted Disclosures Of Sexual Orientation*, 47 Loy L A L Rev 579 (2014)