

AARON M FREY  
ATTORNEY GENERAL



STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006

TEL (207) 626-8800  
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES  
84 HARLOW ST 2ND FLOOR  
BANGOR, MAINE 04401  
TEL (207) 941-3070  
FAX (207) 941-3075

125 PRESUMPCOT ST, SUITE 26  
PORTLAND, MAINE 04103  
TEL (207) 822-0260  
FAX (207) 822-0259

14 ACCESS HIGHWAY, STE 1  
CARIBOU, MAINE 04736  
TEL (207) 496-3792  
FAX (207) 496-3291

**Testimony in Opposition to L.D. 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***

Senator Carney, Representative Moonen, and distinguished members of the Judiciary Committee, my name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General. I am here today to speak in opposition to L D 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*.

Schools have a legal obligation to provide a safe and inclusive education to all students who attend. When a student presents to a teacher asking to be called by pronouns or a different name, it is most likely the first outward sign they are exploring their gender identity. While it is always the hope and the goal that parents are the first to be notified when a child is questioning this way, we know that sometimes home is not always the place a child feels safest.

When a school refuses to make a learning environment a safe place for children with expressed identities protected under the Maine Human Rights Act, it makes the school vulnerable to legal action, just as the failure to accommodate any other protected class might be in an educational setting. From this standpoint, refusing to accommodate a child's professed gender identity without parental permission could ultimately cost significant time and money for schools. We saw this firsthand in the *Doe v Regional School Unit 26*, 86 A 3d 600, 607 (Maine 2014), where the Law Court found that failing to allow a student to use the restroom consistent with her gender identity interfered with the student's ability to learn and succeed.

Practically speaking, placing school staff in between a child's professed wishes and parents is an unworkable dynamic that undermines a school's ability to achieve its primary goal of educating students.

I urge the committee to vote Ought Not To Pass L D 678.