

TESTIMONY IN OPPOSITION TO

L.D. 1881

AN ACT TO ENSURE THE RIGHTS OF PARENTS OF MINOR CHILDREN IN EDUCATION

May 9, 2025

Senator Rafferty, Representative Noonan Murphy, and members of the Joint Committee on Education and Cultural Affairs, I am Robbie Feinberg, the director of communications and government relations of the 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. 1881, An Act to Ensure the Rights of Parents of Minor Children in Education.

Our associations fully appreciate the goals of this bill, and the measure generated substantial conversations within our legislative committees around the steps schools must take to ensure parents are involved, active participants in their children's education. However, we believe much of this bill is duplicative of existing laws and policies, while other sections could pose challenges for both administrators and classroom teachers.

We've attached to our testimony several MSMA Model School Board Policies that we believe already cover many parts of this bill:

- Sample Policy JRA-E describes parents' rights to their children's information under the Federal Education Rights and Privacy Act (FERPA). These include the right to review any educational records, a right to request to amend any records that they believe is misleading or inaccurate, and a right to consent to any disclosure of information.
- Many other policies address providing information to parents around many other issues, including attendance, truancy, and bullying. Sample Policy KB also encourages strategies that schools should use to involve parents in education, including support of two-way communication, providing opportunities for parent input in programs and curriculum, welcoming parents as visitors to the school, and engaging in meaningful parent-teacher conferences to discuss student progress and individual instructional needs.
- Sample Policy IMBB also describes how a parent can request their student be exempted from a certain part of the curriculum, and what reasonable alternatives and accommodations should be made to ensure a student can still meet the standards laid out in the Maine Learning Results.

School leaders believe these policies and others already provide substantial opportunities for parental input and involvement and allow for partnership with families and smooth school operations. Adding duplicative and/or contradictory laws could complicate this process in a way that could hinder this current balance.

Maine superintendents also expressed concerns regarding Part 2 of this bill, which says that "A parent is entitled to refuse the parent's minor child's participation in a noneducational or core assignment, activity or service or assignment of material and to request an alternative assignment, activity or service or material." As

we have shared, schools already attempt to work with families and already have policies describing how they seek to accommodate the situations outlined in this bill.

However, if parents may blanketly refuse participation in certain assignments, activities or materials could result in a situation where teachers and administrators are required to juggle a maze of many different curricula and assignments within the same classroom. This may hinder the ability for teachers to provide effective instruction, as students will be unable to come together for interactive group lessons and discussion. This bill does not provide the necessary flexibility and will make it harder for our teachers to focus on important academic lessons.

Again, Maine school leaders want to stress that they want to partner with parents on improving students' education, always want to keep them informed, and do not want to hide anything from them. We believe that current law already meets these requirements, and for that reason, we find this bill to be unnecessary. We ask you to vote "Ought Not to Pass" on L.D. 1881.

NOTIFICATION OF RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (eligible students) certain rights with respect to the student's education records. They are:

- A. The right to inspect and review the student's education records within 45 days of the day the **[School Unit Name]** receives a request for access.

Parents or eligible students should submit to the school principal **[OR: appropriate school official]** a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- B. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask **[School Unit Name]** to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the **[School Unit Name]** decides not to amend the record as requested by the parent or eligible student, the **[School Unit Name]** will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- C. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school unit as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a

person or company with whom the school unit has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

Upon request, the **[School Unit Name]** discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

- D. The right to file a complaint with the U.S. Department of Education concerning alleged failures by **[School Unit Name]** to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

- E. The **[School Unit Name]** may make public at its discretion personally identifiable information from the education records of a student without parental consent if that information has been designated as directory information by the school. This school unit has designated the following information as directory information: the student's name, participation in officially recognized activities and sports, weight and height of athletes, and honors and awards received.

Such information will not be disclosed if the parent of the student informs the school unit in writing within 10 days of the first student day of the school year or within 10 days after enrollment that such information is not to be designated as directory information with respect to that student. Any such notice should be sent to the Superintendent of Schools at the following address:

- F. Federal law permits military recruiters and institutions of higher learning to request and receive the names, addresses and telephone numbers of high school students upon request, unless the student's parent or eligible student notifies the school unit that he/she does not want such information released. Such information will not be disclosed if the student's parent or eligible student notifies the school unit, in writing, that such information should not be released without his/her written consent. Any such notice should be sent to:

Superintendent/Principal

- G. Under Maine law, **[School Unit Name]** shall not publish on the Internet without written parental consent any information whether directory or otherwise, that identifies a student, including but not limited to the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

[School Unit Name] maintains a more extensive policy and procedure concerning education records. This policy and procedure can be obtained by contacting [title of school official].

Legal Reference: 20 U.S.C. § 7908
34 C.F.R. § 99.7
20-A M.R.S.A. § 6001

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

PARENT INVOLVEMENT IN EDUCATION

[NOTE: This sample policy addresses parent involvement in general. It reflects the concept of “reciprocal accountability” for student learning and achievement, which is particularly important in a standards-based educational environment. Although their roles and responsibilities may differ, schools, students, and parents must share accountability for student learning. Board members and superintendents should note that a separate policy, KBF, relates to parent involvement in Title I programs; KBF reflects particular requirements of the No Child Left Behind Act.]

The Board recognizes that a student’s education is a responsibility shared by the school, the student, and the family. Research indicates that involvement of parents in support of the children’s education increases student achievement. Schools and parents must work as partners if the school system is to meet its goal of educating students effectively.

It is the intent of the Board that the school system **[OR: the schools]** promote parent involvement by:

- A. Supporting meaningful two-way communication between school and home;
- B. Promoting responsible parenting;
- C. Encouraging parents to play an integral role in assisting student learning;
- D. Assisting parents in their efforts to support, reinforce, and extend their children’s learning;
- E. Providing opportunities for parent input in school programs and curriculum;
- F. Respecting parents as partners in decisions affecting children and families;
- G. Welcoming parents as visitors to the schools;
- H. Engaging in meaningful parent-teacher conferences to discuss student progress toward meeting the content standards of the system of Learning Results and other learning goals, individual instructional needs and student welfare issues;
- I. Communicating with parents about school system policies and regulations;

- J. Encouraging parents to volunteer in the schools and school-related activities;
- K. Encouraging parent involvement through PTO groups and Board and school advisory committees;
- L. Supporting appropriate professional development opportunities that enable staff members to increase the effectiveness of parent involvement strategies;
- M. Encouraging school administrators to set expectations and create a climate conducive to parent participation;
- N. Developing methods to accommodate and support parent involvement for parents with special needs, such as limited English proficiency; and
- O. Assess the effectiveness of parent involvement efforts.

The Board expects parents to:

- A. Make every effort to provide for the physical well being of their children;
- B. Establish a home environment that supports learning and appropriate behavior;
- C. Strive to prepare the student emotionally and socially so that the student is receptive to learning, discipline, and behavioral expectations;
- D. Have students attend school regularly and on time;
- E. Help students to develop good study habits;
- F. Monitor their student's learning progress;
- G. See that their child participates in remedial activities and/or additional instruction, as recommended, to provide them with the opportunity to progress toward meeting the content standards of the system of Learning Results and other instructional goals and objectives;
- H. Review their children's homework and reinforce reading, math, and other skills;

- I. Become familiar with school rules and procedures;
- J. Discuss problems and concerns with appropriate persons;
- K. Participate in conferences with teachers and other professional staff;
- L. Cooperate with the schools system to develop a positive self-concept and positive outlook on learning for each child;
- M. When practicable, volunteer in the schools and/or in support of school activities;
- N. When practicable, participate in PTO groups, advisory committees and other opportunities to support student learning; and
- O. Provide feedback concerning the effectiveness of the schools' parent involvement efforts.

Cross Reference: KBF - Parent Involvement in Title I

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

EXEMPTION FROM REQUIRED INSTRUCTION

The curriculum of the school unit is designed to reflect the learning expectations for all students in all content areas of the system of Learning Results, as well as other statutory and regulatory requirements and content areas specified by the Board.

The Board acknowledges that from time to time individual students may be exposed to some ideas and materials with which they or their parent(s)/legal guardian disagree. Students and their parent(s)/legal guardian cannot be required to adopt ideas with which they disagree, but such disagreement alone is not a sufficient basis to exempt a student from the prescribed curriculum. Exemptions from the required curriculum should be minimized because they can detract from the overall instruction provided to the class as a whole and the educational objectives sought to be achieved by the curriculum.

The Board recognizes, however, that there could be topics in the curriculum which may be objectionable to individual students and/or parent(s)/legal guardian based on their particular sincerely held religious, moral or philosophical beliefs. Exemption from instruction which infringes on such beliefs may be requested by the parent(s)/legal guardian.

Requests for exemption from instruction must be made in writing to the building Principal and are subject to the approval of the Principal. The Principal shall notify the Superintendent as soon as practicable of any request for exemption from instruction and of his/her decision. If the Principal denies an exemption request, the parent(s)/legal guardian may appeal to the Superintendent.

In considering requests for exemption, factors that the Principal should consider may include:

- A. The alignment of the curriculum with the system of Learning Results;
- B. Whether the course or content area is required by state law or Board policy;
- C. The educational importance of the material or instruction from which exemption is requested;
- D. Evidence regarding the sincerity of the belief on which the request is based;
- E. Whether the school has a legal obligation to accommodate the exemption request;

- F. The effect of exemption or accommodation on the validity of the local assessment system; and
- G. Other factors that bear upon the particular request.

Exemption from required instruction does not excuse the student from meeting the requirements of the Learning Results or from total credit hours or other requirements for graduation, or from performing alternative work.

When the Principal determines that the curriculum that has been aligned with the system of Learning Results conflicts with sincerely held religious beliefs of a student or his/her parent or legal guardian, reasonable accommodation in the curriculum shall be made for the student, within the scope of existing resources. Alternative instruction may be provided by the school or through approved independent study. Any alternative instruction shall be approved in advance by the Principal in consultation with appropriate instructional staff and shall meet the standards and objectives of the part of the curriculum that is being replaced. When requests for exemption from required curriculum are made for religious reasons, a parent/guardian who is dissatisfied with the Principal's decision may appeal to the Superintendent. If the accommodation in the curriculum that is requested is so great that the validity of the local assessment system is compromised, the Superintendent will determine how to address the situation, subject to the approval of the Commissioner.

When a student is exempted from any portion of the regular curriculum for other than religious reasons (exemption based on sincere philosophical or moral beliefs), the staff will make reasonable efforts, within the scope of existing resources, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school or through approved independent study. Any alternative instruction shall be approved in advance by the Principal in consultation with the classroom teacher, and shall meet the standards and objectives of the part of the curriculum that is being replaced. When requests for exemption are made for philosophical or moral reasons, a parent/guardian who is dissatisfied with the Principal's decision may appeal to the Superintendent, whose decision shall be final. **[OPTIONAL ADDITIONAL STEP: Local boards may wish to consider adding an appeal to the Board in the event that a parent/guardian is dissatisfied with the Superintendent's decision.]**

Legal Reference: 20-A MRSA § 6209
LD 1536, Chap. 51 Resolves
Ch. 127 § 3.07 (Me. Dept. of Ed. Rules)
Ch. 131 (Me. Dept. of Ed. Rules)

Cross Reference: ADF – School District Commitment to Learning Results
 IJJ – Instructional and Library Material Selection
 IMB – Teaching About Controversial/Sensitive Issues
 IMBAA – Alternatives to Biological Dissection

Adopted: _____

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.