

TESTIMONY IN OPPOSITION TO

L.D. 1974

AN ACT TO AFFIRM PARENTAL RIGHTS

May 16, 2025

Senator Carney, Representative Kuhn, and members of the Judiciary Committee, I am Steven Bailey, the Executive Director 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. 1974, An Act to Affirm Parental Rights.

This bill's language is very similar to L.D. 492, which the majority of your committee already rejected earlier this session. Instead of adopting a constitutional amendment, this bill would instead adjust two parts of Maine law and declare that "The liberty of a parent to direct the upbringing, education and care of the parent's child is a fundamental right."

Maine school leaders, of course, believe in parental rights and the crucial role that parents play in the upbringing and education of their child. We have attached to our testimony MSMA Sample Policies *KB: Parent Involvement in Education*, *KBF: Parent Involvement in Title I*, and *ILD*, which describes parental permissions for many important educational programs and initiatives. The Federal Education Rights and Privacy Act (FERPA), as well as the Protection of Pupil Rights Amendment, both include additional ways that schools must include family members in their children's education.

These are just some of many ways that schools seek to partner with families on education, and we believe they are effective at ensuring parental input and permission while providing for the smooth operation of our schools. Collaboration is the best approach towards ensuring the best education for each child, and we believe this bill is unnecessary and would only lead to further conflict and division.

As our associations shared on L.D. 492, similar sorts of legislation proposed in other states have led to substantial concerns over an increase in adversarial lawsuits against schools from parents. We have similar legal concerns in regard to this bill. By declaring the "upbringing, education and care of the parent's child is a fundamental right," parents could be free to challenge and/or sue a school district over any decision that goes against their wishes. This could be a decision around curriculum, extracurriculars, special education services, or even the classroom a student is assigned to.

While schools of course seek to listen to and respond to parent input about any of these issues – and adjust when possible – putting the final word on these decisions in the hands of parents could create an untenable situation that could challenge the smooth operation of our schools, and/or lead to more lawsuits and potential for financial damages against school districts.

We also have some questions regarding the first provision of this law, which declares that “Parents are the joint natural guardians of their minor children and are jointly entitled to the care, custody, control and services of their children. Neither parent has any rights paramount to the rights of the other with reference to any matter affecting their children.”

While schools, of course, want both parents to be included in any decision regarding their child, we have questions about how this provision would actually play out on a day-to-day basis. Would both parents now need to sign permission forms, and provide consent, when traditionally these forms only required one signature? We have significant questions about how this could play out in our classrooms and the practicality of such requirements.

Again, our organizations firmly believe in parental input – as evidenced by the steps schools are already taking – but we urge you to reject this particular piece of legislation.

## 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.

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## **PARENT INVOLVEMENT IN TITLE I**

The Board endorses the parent involvement goals of Title I and encourages the regular participation by parents/guardians in all aspects of the school system's Title I programs.

For the purpose of this policy, "parents/guardians" includes other family members involved in supervising the child's schooling.

### **I. DISTRICT-LEVEL PARENT INVOLVEMENT POLICY**

In compliance with federal law, the school unit will develop jointly with, agree on with, and distribute to parents of children participating in the school system's Title I programs a written district-level parent involvement policy.

Annually, parents/guardians will have opportunities to participate in the evaluation of the content and effectiveness of the school unit's parent involvement policy and in using the findings of the evaluation to design strategies for more effective parent involvement and to make revisions to the policy.

### **II. SCHOOL-PARENT INVOLVEMENT POLICY**

As required by law, each school in the school unit that receives Title I funds shall jointly develop with parents/guardians of children served in the program a school parent/guardian involvement policy, including "School-Parent Compact" outlining the manner in which parents, school staff, and students will share the responsibility for improved student academic achievement in meeting State standards. The school policy will be distributed to parents/guardians of children participating in the school's Title I programs.

The "School-Parent Compact" shall:

- A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the State's academic achievement standards;
- B. Indicate the ways in which parents will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, monitoring television watching, volunteering in the classroom,

and participating, as appropriate, in decisions related to their children's education and positive use of extra-curricular time; and

- C. Address the importance of parent-teacher communication on an ongoing basis, with, at a minimum, parent-teacher conferences, frequent reports to parents, and reasonable access to staff.

**[NOTE: For the most efficient use of time and resources, school units with more than one school participating in a Title I program may wish to consider establishing a district-wide parent advisory council to facilitate implementation of this policy.]**

### III. PARENT INVOLVEMENT MEETINGS

Each school receiving Title I funds shall convene an annual meeting to which all parents/guardians of eligible children shall be invited to inform them about the school's participation in Title I and to involve them in the planning, review, and improvement of the school's Title I programs and the parent involvement policy.

In addition to the required annual meeting, at least **[number]** other meetings shall be held at various times of the day and/or evenings for parents/guardians of students participating in Title I programs.

These meetings shall be used to provide parents with:

- A. Information about programs the school provides under Title I;
- B. A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency level students are expected to meet;
- C. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and
- D. The opportunity to submit comments to the district level if they are dissatisfied with the school-wide Title I program.

Title I funding, if sufficient, may be used to facilitate parent/guardian attendance at meetings through the payment of transportation and childcare costs.

IV. PARENT RELATIONS

Parents/guardians of children identified for participation in a Title I program shall receive from the building principal and Title I staff an explanation of the reasons supporting their child's selection, a set of objectives to be addressed, and a description of the services to be provided. Parents will receive regular reports on their child's progress and be provided opportunities to meet with the classroom and Title I teachers. Parents will also receive training, materials, and suggestions as to how they can assist in the education of their children at home.

V. DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for ensuring that the school unit's Title I plan, programs, and parent involvement policies comply with applicable law and regulations and for developing administrative procedures, as needed, to implement this policy.

Legal References: 20 U.S.C. § 6318

Adopted: \_\_\_\_\_

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**EDUCATIONAL RESEARCH: STUDENT SUBMISSION TO SURVEYS,  
ANALYSES, OR EVALUATIONS**

In this policy, “surveys, analyses, or evaluations” refer to methods of gathering data for research purposes.

No student shall be required as part of any program wholly or partially funded by the U.S. Department of Education to submit to any survey, analyses, or evaluation that reveals information concerning:

- A. Political affiliations or beliefs of the student or the student’s parent;
- B. Mental or psychological problems of the student or the student’s family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- G. Religious practices, affiliations, or beliefs of the student or student’s parents; or
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program without the prior written consent of the student’s parent/guardian, or of the student, if he/she is 18 years of age or older.

All instructional materials, including teachers’ manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation shall be available upon request for inspection by the student’s parent/guardian. For the purpose of this policy, “instructional material” does not include academic tests or assessments.

A parent may inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student.

The Superintendent/designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents with access to surveys within a reasonable time before administration or distribution.

The school unit will notify parents of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Insofar as practicable,\* the school unit will also directly notify parents annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

**[NOTE: “Insofar as practicable” acknowledges that there may be circumstances in which a research request is made or is approved only after the school year has begun. When this occurs, the school unit should notify parents far enough in advance for them to access surveys and related instructional materials and to opt their children out, if desired.]**

Legal reference: 20 U.S.C. § 1232(h)

Cross reference: JRA—Student Educational Records and Student Information

Adopted: \_\_\_\_\_

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