



**PORTLAND PUBLIC SCHOOLS**  
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**Testimony in Opposition to LD 2239**

*An Act to Designate School Sports Participation and Facilities by Sex*

Joint Standing Committee on Judiciary

132nd Maine Legislature, Second Regular Session

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Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, my name is Ryan Scallon, and I serve as the Superintendent of Portland Public Schools, Maine's largest and most diverse school district with more than 6,200 students. I am here to speak in opposition to LD 2239.

Before I speak to the practical challenges this bill creates for districts, I want to start with what matters most: our students. When we target one group of young people through legislation, it does not happen in a vacuum. Other students see it, absorb it, and internalize it. Adolescents are in the process of figuring out who they are and where they fit in. Research from the Trevor Project tells us that students who attend schools affected by anti-LGBTQ+ policies report significantly higher rates of anxiety, depression, and suicidal ideation, and that impact reaches well beyond the students directly named in the policy. We have seen this pattern play out in Portland firsthand, when a different group of students was targeted. During the ICE enforcement surge earlier this year, we did not only see fear among immigrant students. We saw white kindergartners talking about bad things happening to their neighbors. We saw white fifth-graders worried because they had not seen friends in weeks. Attendance dropped across all grade levels. When any group of students is made to feel unwelcome, the ripple effect touches every student and every classroom.

Now let me turn to the practical realities. LD 2239 defines sex based on a student's original birth certificate. School districts do not keep birth certificates on file. The MPA already has a policy governing transgender student eligibility in athletics, and it is working. This bill would override that system and replace it with a document verification requirement that burdens the students least able to produce the paperwork: students in foster care, adopted students whose records may be sealed, and immigrant and refugee students from countries where civil records are incomplete or

destroyed. In a district as diverse as Portland, this would function as a barrier to participation for some of our most vulnerable young people.

The birth certificate issue is not limited to sports. Section 5 of LD 2239 mandates that schools maintain strictly sex-segregated restrooms, locker rooms, shower rooms, and what the bill calls “other private spaces” without defining that term. Section 2 defines sex by original birth certificate, and Section 8 creates a private right of action allowing any student to sue for violations. Read together, this means the verification burden extends far beyond athletics. If a district must ensure that every student using a multi-stall restroom matches the sex on their original birth certificate, we are no longer talking about a handful of athletes. We are talking about every student, every day. It is worth noting that Title IX regulations say bathrooms “may” be sex-separated, not that they must be. LD 2239 goes further than federal law requires. Right now, Portland has addressed facility privacy practically and without conflict. We have invested in single-occupancy restrooms and gender-neutral facilities. These solutions work for all students. They protect privacy and they have generated zero legal challenges. LD 2239 would require us to dismantle what is working and replace it with a rigid framework that invites litigation and requires districts to hire additional staff to manage birth certificate verification and bathroom usage. It puts school boards and administrators in the position of actively managing a legal liability that, today, simply does not exist.

On a daily basis, this comes down to something very simple: students need to be able to use the restroom at school. They need to feel safe walking through the hallway. They need to know that the adults in their building are looking out for them, not enforcing a system designed to single them out. At the end of the day, our job as educators and district leaders is to create environments where students attend school, where they feel they belong, and where they are positioned to succeed academically. LD 2239 moves us in the opposite direction.

I urge this committee to vote ought not to pass on LD 2239. Thank you.