

TESTIMONY OF MEAGAN SWAY, ESQ.

Ought Not to Pass - LD 278

**An Act To Establish a Process for the Consideration and Implementation  
of Changes to Mandated Instruction or Training for Students**

Submitted to the

JOINT STANDING COMMITTEE ON EDUCATION  
AND CULTURAL AFFAIRS COMMITTEE

February 19, 2021

Senator Daughtry, Representative Brennan, and distinguished members of the Joint Standing Committee on Education and Cultural Affairs, greetings. My name is Meagan Sway, and I am the Policy Director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties in Maine. On behalf of our members, I write to oppose LD 278. This bill would unduly restrict public participation in lawmaking, add a redundant and inefficient layer of process to the lawmaking system, and unnecessarily make it harder to pass necessary curriculum mandates.

The ACLU has long been committed to protecting the right to a quality education in our public schools. As enshrined in the Maine Constitution, “[a] general diffusion of the advantages of education [is] essential to the preservation of the rights and liberties of the people.” Me. Const. Art. VIII, Pt. First, § 1.

Educational mandates can be an important part of guaranteeing a quality education to our state’s citizens and a necessary barrier between the mistakes of the past and similar mistakes in the future. They are an important tool for exposing and beginning to heal the wounds of our past.

This bill would slow or even stop the adoption of important educational mandates with a redundant new process. LD 278 would put some bills that require an educational mandate on a different and slower track from all other bills heard in this committee. The Review Committee on Proposed Legislation that this bill would create is unnecessary. The would-be members of this new committee can already testify on proposed educational mandates—and they do.<sup>1</sup> This policy committee

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<sup>1</sup> For example, the bill’s proposed review committee would “include[e] teachers, administrators and content specialists within the department and a representative

already considers their input. There is no need to give them a separate structure where the public cannot provide input or participate in deliberations.

We recognize that educational mandates can be difficult to implement and require additional resources to do well. We also recognize that we already ask teachers and school administrators to do too much with too little time and money. In large part because of those hurdles, educational mandate bills very rarely make it into law. Last session, not a single curriculum mandate bill made it to the governor's desk.

Because curriculum mandates face significant hurdles, when they do pass, they are generally signs of overwhelming consensus. Take, for example, last session's legislation that would require the teaching of the history of African American history and the history of genocide, LD 1050. Legislators of both parties testified in support of that bill. The Senate voted unanimously in favor of the bill, and the House voted for it 140-2 on enactment. Should we take the path that this bill puts us on, legislation like last session's LD 1050 would be stuck in a long, bureaucratic process despite its near universal appeal to legislators of every political persuasion. And, in the end it would merely delay getting crucial history lessons into the minds of our students, such as the history of the Holocaust and African American history.

We urge you to vote *ought not to pass*.

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of an association of statewide curriculum leaders.” Last session, this committee considered one curriculum mandate, LD 1050, An Act To Require Education about the Holocaust (title later changed to An Act To Require Education about African-American History and the History of Genocide). Included in those who submitted testimony were: several high school teachers, a school counselor, a school department's Curriculum Director, a Social Studies Specialist from the Department of Education, and the Maine School Boards Association and Maine School Superintendents Association. See Public Hearing Testimony for LD 1050, available at [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?ld=1050&PID=1456&snum=129](http://www.mainelegislature.org/legis/bills/display_ps.asp?ld=1050&PID=1456&snum=129) (last accessed February 18, 2021).