



TESTIMONY OF GLAD, Equality Maine, and MaineTransNet

**LD 633—Ought to Pass**

**Resolve Directing the Dept. of Education to Implement Diversity, Equity & Inclusion Training for Educators**

**LD 880—Ought to Pass**

**An Act to Prohibit School Employees from Workplace Bullying**

Joint Standing Committee on Education and Cultural Affairs

April 5, 2021

Senator Libby, Representative McDonald and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs,

My name is Mary Bonauto and I am an attorney at the Maine office of GLBTQ Legal Advocates & Defenders. GLAD works primarily in New England and seeks equal justice under law without regard to sexual orientation, gender identity or HIV status through litigation, policy and public engagement. GLAD, Equality Maine and MaineTrans.Net urge this Committee to support both LD 633, a Resolve Directing the Maine Department of Education to Implement Diversity, Equity & Inclusion Training for Educators, and LD 880, An Act to Prohibit School Employees from Workplace Bullying.

These two bills are connected to each other and to what we hope is a shared goal of supporting students – whoever they are - in developing the skills and capacities to succeed in ever more diverse communities and workplaces. As the National Association of Elementary School Principals has explained,

Ninety-six percent of major employers, say it is ‘important’ that employees be comfortable working with colleagues, customers, and/or clients from diverse cultural backgrounds. These statistics make it imperative that our nation’s schools not only welcome diversity in the classroom but also teach students how to navigate an increasingly racially, ethnically and socioeconomically diverse society and global economy.<sup>1</sup>

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<sup>1</sup> Nat’l Ass’n of Elementary Sch. Principals, *The Principal’s Guide to Building Culturally Responsive Schools* (2018) at 2, available at: [https://www.naesp.org/sites/default/files/NAESP\\_Culturally\\_Responsive\\_Schools\\_Guide.pdf](https://www.naesp.org/sites/default/files/NAESP_Culturally_Responsive_Schools_Guide.pdf)

To those ends, LD 633 assists school staff by ensuring they continue building knowledge and cultural competencies to engage and foster success for *all* of their students and to increase students' abilities to cooperate across differences. This bill would direct the Department of Education (MDOE) and the State Board of Education to amend their rules to require diversity, equity and inclusion ("DEI") training as a condition of recertification for teachers and some administrative staff. LD 880 supports school employees as they teach and support our children and young people by adding "school employees" to those protected by the existing anti-bullying law, and also adding a prohibition against interfering with their work performance or their ability to participate in work-related school activities.

First, and of great relevance to these bills, last December, the MDOE, Maine School Boards Association, Maine School Superintendents Association, Maine Administrators of Services for Children with Disabilities, Maine Education Association, Maine Principals Association, and Maine Curriculum Leaders Association issued a "Joint Statement of Commitment and Support for Diversity, Equity and Inclusion in Maine Schools."<sup>2</sup> Among other things, this landmark statement "enthusiastically affirm[s] the right of every student to an equitable education" and "urge[s] all Maine schools and educators to accept their role and responsibilities in examining and addressing the inequities that have long existed in our society and institutions," including "dismantling racism."<sup>3</sup> As the Joint Statement defines it, "educational equity" is about "providing each student a legitimate opportunity to learn, grow and thrive in school and beyond."<sup>4</sup>

These two bills are steps forward in implementing the vision of our State's educational leaders. While DEI will be addressed in rulemaking, the learning accompanying DEI is foundational to the commitments in the Joint Statement. Among others, those commitments include: creating a safe and welcoming environment for all students; meaningful engagement and partnerships with students' families; and the co-creation with communities of culturally responsive academic and non-academic programming.<sup>5</sup> LD 880 also supports Joint Statement by ensuring that teachers,

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<sup>2</sup> See <https://mainedoenews.net/2020/12/11/joint-statement-of-commitment-and-support-for-diversity-equity-and-inclusion-in-maine-schools/>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* Among other things, the Statement provides:

- School is a welcoming, safe place for all school community members to bring their whole identities with the
- Social emotional and behavioral supports are understood as critical prerequisites to academic learning
- Students' primary and home languages are recognized as assets, cultivated, and leveraged

administrators and staff can engage in these pedagogical efforts without “bullying” by others. In short, both bills would contribute to an inclusive school climate that fosters *all* students’ sense of safety and academic success.<sup>6</sup>

Second, our existing laws are a foundation of the educational equity frame. Maine has a commitment to every child that comes through our schoolhouse doors in search of an education. That commitment is part of our State’s declared policy to protect “the basic human right to a life with dignity” and to prevent discrimination in education and in public accommodations based on a variety of personal characteristics. 5 Me. Rev. Stat. §§4552 (policy), 4591 (public accommodations), 4601 (education).<sup>7</sup> Likewise, Maine recognizes that bullying can deprive students from all walks of life of the benefits of an equal educational environment. 20-A Me. Rev. Stat. §6654 (1) (finding that bullying “may be motivated by a student’s actual or perceived race; color; religion; national origin; ancestry or ethnicity; sexual orientation; socioeconomic status; age; physical, mental, emotional or learning disability; gender; gender identity and expression; physical appearance; weight; family status; or other distinguishing personal characteristics or ... on association with another person identifies with such a characteristic.”).

Finally, many of the nation’s leading organizations of school boards, administrators and teachers have staked out positions consistent with Maine’s. For example:

The **National School Board Association** (NSBA) directly links equity and student success: “If all students are to be educated in a manner that prepares them for success in school and in life, school board members must lead with an equity lens.”<sup>8</sup> The NSBA distinguishes politics from pedagogy:

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- Every educator in every role shares the responsibility for ensuring equity for every student and participates in equity education, both in teacher and administrator preparation programs and ongoing throughout their careers
  - Families are meaningfully engaged as partners in their children’s education and welcomed into our schools
  - All academic and non-academic programming is culturally responsive and co-constructed with community members

<sup>6</sup> See Brand et al., *Middle School Improvement and Reform: Development and Validation of a School-Level Assessment of Climate, Cultural Pluralism, and School Safety*, J. Educ. Psychol. at 570-571 (2003); O’Brennan & Bradshaw, Nat’l Educ. Ass’n, *Research Brief: Importance of School Climate, in NEA Bully Free School Climate Summit: Conference Proceedings* (2014), at 3-4, available at: [https://www.nea.org/assets/docs/14746\\_Bully\\_Free\\_School\\_Climate\\_Summit\\_Book.pdf](https://www.nea.org/assets/docs/14746_Bully_Free_School_Climate_Summit_Book.pdf).

<sup>7</sup> It is a “civil right” for every individual “at an educational institution to participate in all educational, counseling and vocational guidance program and all apprenticeships and on-the-job training programs without discrimination because of sex, sexual orientation, a physical or mental disability, national origin or race.” 5 Me. Rev. Stat. §4601.

<sup>8</sup> NSBA, *Reimagining School Board Leadership: Actions for Equity* (2021) at 2, available at: <https://www.nsba.org/-/media/NSBA/File/center-for-safe-schools-reimagining-school-board-leadership-guide-2021.pdf?la=en&hash=5D5F51E039EFF17CFFC64B241152D98BFD3E8237>.

While conversations about equity can sometimes become politically charged, educational equity is not a partisan issue. Educational equity is first and foremost about ensuring that school districts fulfill their core mission: successfully educating all students so that they are prepared to be productive and engaged citizens” and to “serve an increasingly diverse student population with a broad range of needs.”<sup>9</sup>

The **National Association of Secondary School Principals** likewise connects equity with student success. In its words,

At its core, equity is a commitment to social justice, civil rights, and human connectedness. [We view] equity as the behaviors, systems, processes, resources, and environments that ensure each member of the school community is provided fair, just, and individualized learning and growth opportunities; and that school leaders guarantee that each person is known, valued, and treated justly and receives the individualized high-quality education that is necessary to succeed in a global society.<sup>10</sup>

NASSP also recommends both “ongoing, job-embedded professional development for all staff on race, class, and privilege, and the impact on students of color,”<sup>11</sup> and that state policy makers “[i]ncentivize teacher preparation programs to help candidates understand their own racial biases and develop skills to create inclusive and culturally and linguistically responsive classrooms and school environments that address the social, emotional, and academic needs of their students.”<sup>12</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> Nat’l Ass’n of Secondary Sch. Principals, Position Statement: Racial Justice and Educational Equity (2021) at 2, available at: [https://www.nassp.org/wp-content/uploads/2021/01/NASSP21ADV-0060\\_WS\\_Position\\_Statements\\_Racial\\_Justice\\_P2a.pdf](https://www.nassp.org/wp-content/uploads/2021/01/NASSP21ADV-0060_WS_Position_Statements_Racial_Justice_P2a.pdf)

<sup>11</sup> Nat’l Association of Secondary School Principals - POSITION STATEMENT: EDUCATOR DIVERSITY (2019) at 5. Notably, NASSP has developed policy positions on other historically marginalized populations as well. See NASSP Policy Statements at <https://www.nassp.org/top-issues-in-education/position-statements/racial-justice-and-educational-equity/>

<sup>12</sup> *Id.* at 4. Its 2021 Position Statement (p. 4) also includes recommendations for state policymakers to:

- Incentivize teacher preparation programs to help candidates understand their own racial biases and develop skills to create inclusive and culturally and linguistically responsive classrooms and school environments that address the social, emotional, and academic needs of their students.
- Collect and publicly report data on teacher certification, experience, and effectiveness and assignments at the district level and within schools, and develop a plan to address disparities in access for students of color.
- Engage education stakeholders in regular discussions about racial justice, educational equity, and other challenges in the education system as state-level policies are being developed.
- Offer opportunities for student leaders of diverse backgrounds to have a voice in state-level policy discussions such as through participation on state boards of education or other advisory groups.

The **National Association of Elementary School Principals**, in a resource-rich Guide, makes numerous practice recommendations for: “collaborating with families and community members;” “strong professional development on cultural competence, equity and social justice” both for classroom instruction and equitable school management strategies.<sup>13</sup>

Notably, independent private and religious schools are also attentive to DEI.<sup>14</sup>

In sum, GLAD, Equality Maine, and MaineTrans.Net urge support of these bills as steps forward in building to success for more of, and all of, our students. Thank you for your consideration.

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<sup>13</sup> Nat’l Ass’n of Elementary Sch. Principals, *The Principal’s Guide to Building Culturally Responsive Schools* (2018) at 4, 10 available at: [https://www.naesp.org/sites/default/files/NAESP\\_Culturally\\_Responsive\\_Schools\\_Guide.pdf](https://www.naesp.org/sites/default/files/NAESP_Culturally_Responsive_Schools_Guide.pdf)

<sup>14</sup> See, e.g. National Association of Independent Schools, *Principles of Good Practice, Equity and Justice* (2017), available at: [https://www.nais.org/media/Nais/PGPs/NAIS\\_PGP\\_EquityJustice\\_2017.pdf](https://www.nais.org/media/Nais/PGPs/NAIS_PGP_EquityJustice_2017.pdf); Center for Christian Education, *Diversity in the Christian School* (Jan. 2021), available at [https://cace.org/wp-content/uploads/2021/01/CACE\\_Diversity-in-the-Christian-school.pdf](https://cace.org/wp-content/uploads/2021/01/CACE_Diversity-in-the-Christian-school.pdf) (chapters on the need for social emotional learning, are students feeling seen, cultivating diversity and inclusion in the school culture, learning while leading, why diversity matters for white people and more); John G. Moran, *Addressing Diversity, Equity and Inclusion in the Christian School*, Association of Christian Schools International, available at: <https://blog.acsi.org/diversity-equity-and-inclusion> (Nov. 2020); National Ass’n of Christian Education, *Diversity, Equity and Inclusion statement*, available at: <https://www.naceweb.org/about-us/naces-diversity-equity-and-inclusion-statement/>