



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

PENDER MAKIN
COMMISSIONER

May 4, 2021

Senator Joseph Rafferty, Co-chair
Representative Michael Brennan, Co-chair
Members of the Joint Standing Committee on Education and Cultural Affairs

Dear Senator Rafferty, Representative Brennan, and Members of the Joint Committee,

LD 1512, An Act To Create the Office of the Education Ombudsman and To Establish a Commission To Study the Creation of a Reporting and Response System To Assist Public Schools in Addressing Incidents of Bias, Discrimination and Harassment. The first part of this bill creates a new office of the Education Ombudsman and authorizes the Governor to appoint an Education Ombudsman. The Education Ombudsman will be required 1) to provide information to students, parents and interested members of the public regarding the State's public school system; 2) to identify obstacles to greater parent and community involvement in shared school decision-making processes and to recommend strategies for helping parents and community members to participate effectively in shared school decision making processes, including understanding and respecting the roles of school administrators and staff; 3) to identify and recommend strategies for improving the success rates of ethnic and racial minority students and students with disabilities identified as having disproportionately lower academic achievement; 4) to facilitate the resolution of complaints made by parents and students with regard to the State's public school system; and 5) to consult with specific representative groups.

The second part of the bill requires the establishment of a commission to study the creation of a diversity, equity and inclusion reporting and response system. The commission will be required 1) to assess and determine the need for a system to document incidents of bias, harassment and discrimination, respond to such incidents and provide remedies for the effect of such incidents in order to advance diversity, equity and inclusion goals in public schools in the State; 2) to investigate models and best practices and develop a process for reporting, intervention and restoration in incidents described in this section, policy review and ongoing training and community building; and 3) to develop a plan for making a cost-effective reporting and responsive system available statewide.

The Department's authority to respond to complaints was designed by the Legislature so that "the control and management of the public schools shall be vested in the governing bodies of local school administrative units, as long as those units are in compliance with appropriate state statutes." 20-A M.R.S.A. § 2(2). This policy of "local control" provides communities with a stronger voice in critical decisions in how education is to be provided. It also means that the Maine Department of Education has limited or no authority to intervene in many situations.

There are complaint processes in place for school approval, special education disputes, discrimination, equitable services, and suspected abuse, neglect, or exploitation.

Maine State statute 20-A Section 251-256 enumerates the multiple duties of the Commissioner of Education, some of which are replicated in the proposed LD 1512. The Commissioner's Office has a constituent service specialist dedicated to addressing inquiries, concerns, and complaints from students, parents, families, staff, and community members. Since the start of the pandemic, the Commissioner's Office has responded to almost 3,000 concerns from constituents across the state.

The Department's Office of School And Student Supports (OSSS) provides information and guidance to parents, administrators, educators, legislators and other stakeholders around a variety of topic areas including: trauma informed resources; school climate-safe, healthy, and inclusive educational communities; physical and health literacy; accessible health care resources and services. Additionally, OSSS staffing includes personnel dedicated to cultural competency, family engagement, mental health, and social and emotional learning. The Office of Special Services has staff available to provide further explanation about federal and state laws related to special education, describe the options that are available to parents, inform parents of procedural safeguards, identify other agencies and support services, and describe available remedies and how parents can proceed.

Representatives Maine Department of Education will be available answer questions during the upcoming work session.

Sincerely,

DocuSigned by:



Chelsey A. Fortin-Trimble

Director of Policy and Government Affairs

DocuSigned by:



Bear Shea

Coordinator, Climate, Culture, and Resilience Team
Office of Student and School Supports

DocuSigned by:



Erin Frazier

Director of Special Services, Birth to Age 22


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