



April 26, 2023

Education and Cultural Affairs Committee  
Cross Building Room 208  
Augusta, ME 04333

RE: LD 394: Resolve, Regarding Legislative Review of Chapter 117: Rule Regarding the Duties of School Counselors and School Social Workers, a Major Substantive Rule of the Department of Education

Senator Rafferty, Representative Brennan and distinguished members of the Joint Committee on Education and Cultural Affairs,

We, GLAD, EqualityMaine, MaineTransNet, OUT Maine, Portland Outright, the ACLU of Maine and the Maine Chapter of the American Academy of Pediatrics wish to provide our support for LD 394 as this Committee nears a work session on the bill.

Vis-a-vis the Rule on School Counselors and Social Workers, our understanding is that school counselors and social workers provide student support, whether directly or indirectly. The underlying statutes governing the relevant definitions and practices are set by 20-A MRS sec. 4008.

We are saddened to hear that some of the parents and advocacy organizations testifying against the Rule are worried about schools displacing parents. This is a false conflict.

Parents and schools share the same goal of ensuring students are safe, protected and learn what they need to succeed in life.

Parents also have unique opportunities to forge the strongest of bonds with their children. They can share their views and values with their children as those students grow.

Schools are for students. Those students and their stated needs have to be the focus of our schools. In our view, every student matters no matter who they are, and everyone's primary concern should be the health and wellbeing of students. Every child should feel safe at school and be given an opportunity to learn in a welcoming and supportive environment, and school counselors and social workers are part of what helps to make that happen, and help young people to thrive.

#### Brief Points of Signatories

Schools are also legally obligated by our state and national nondiscrimination laws to provide a safe learning environment in which every student can learn what they need in life and to grow. Many students need support from time to time for questions, concerns or challenges in their lives, peer groups, etc. Students talk to teachers, staff, coaches, and social workers and counselors who support that young person so they can engage in school. Those supports, including from school counselors and social workers are part of what helps young people engage their “equal educational opportunity” and thrive at school, at home, and in life.

-Mary L. Bonauto, Attorney, GLBTQ Legal Advocates & Defenders (Portland)

As pediatricians, we recognize the importance of forming a trusting, therapeutic relationship with our young patients. We foster that trust by creating an environment free from judgment or discrimination that encourages youth to ask questions about their health, or confide in us about challenges they are experiencing with their peers, family, or society. Not every child is fortunate to grow up in an environment where they feel valued or supported, and unfortunately, many find themselves surrounded by rejection, trauma, discrimination, and hostility. A pediatrician may only see their patients once or twice a year, but school counselors and social workers are available to their students on a much more regular basis. They aim to develop similar therapeutic connections with their students, and can serve as that supportive adult for the child who can't find support & acceptance elsewhere. Encouraging these support systems can literally be life-saving, and should be accessible to every child growing up in Maine.

-Joe Anderson, DO, FAAP, Advocacy Chair, Maine Chapter, American Academy of Pediatrics

"All students, including transgender students, deserve access to safe and affirming mental health care without the fear of being outed. We want families to be involved, and the best way to do that is to ensure that young people are able to get the support they need to have those conversations when they are ready. That can't happen if clinicians are required to out kids the second they disclose."

-Quinn Gormley, Executive Director, Maine Transgender Network (MaineTransNet)

“The well-being of children is important to all of us. Every child, including LGBTQ+ youth, needs to be able to learn and thrive in a safe environment while at school, and the role school counselors and school social workers play is vital to helping young people navigate the social and emotional challenges they face while at school. The ability for students to build relationships with trusted adults, like teachers, coaches, administrators, and school counselors and social workers, is one the best ways to empower young people to make informed decisions about their own lives, leading to safer and healthier outcomes for all kids. We should all be able to agree on the importance of protecting every child, including their privacy and confidentiality, while at school, and this can be accomplished by also respecting the family's wishes.”

- Gia Drew, Executive Director, EqualityMaine